DUMPING AND COUNTERVAILING DUTIES ACT 1988

APPLICATION FOR A REVIEW OF ANTI-DUMPING DUTIES AGAINST PRESERVED PEACHES FROM CHINA (as amended following MBIE's comments of 9 June 2017)

June 2017

Non-Confidential Version

Contents

1. Introduction

Executive Summary

This application concerns the review of existing anti-dumping duties on imports of dumped preserved peaches originating from China and the recurrence of material injury to the New Zealand industry from those dumped imports should duties cease to apply.

Heinz Wattie's Limited, ("Heinz Wattie's") is the only producer of preserved peaches (under the brand names Wattie's, Oak and Weight Watchers).

Imports of preserved peaches covered by the existing anti-dumping duties are still regularly sold in New Zealand. These preserved peaches from China appear to be still dumped and the trade remedy in place has been effective in partially addressing material injury occurring to the New Zealand industry.

Material injury to Heinz Wattie's from imports of preserved peaches originating from China will recur, should anti-dumping duties cease to apply. This is due to the availability of China preserved peaches as well as the sensitive New Zealand market for preserved peaches.

The material injury caused to Heinz Wattie's from the return of dumped imports to New Zealand will be in the form of price undercutting, price suppression and price depression. The economic effects will be a decline in sales, market share, output, profits and [redacted] and the supporting horticultural industry.

Grounds for Application

Heinz Wattie's applies for the initiation of a review of the existing anti-dumping duties upon canned peaches from China pursuant to section 14(8) of the Dumping and Countervailing Duties Act 1988 ("the Act").

This application is made on the grounds that if existing anti-dumping duties cease to be payable then imports of dumped preserved peaches from China will cause a recurrence of material injury to the New Zealand preserved peach industry represented by Heinz Wattie's through:

- price undercutting
- price depression; and
- price suppression

resulting in:

- a decline in output and sales
- a decline in market share,
- a decline in profits and return on investments,
- a decline in utilization of production capacity; and
- adverse effects upon cash flow, inventories, employment, and growth.

In support of these claims Heinz Wattie's tenders this submission and evidence as justification for continuation of the anti-dumping duty.

2. Interested Parties

The Applicant

The applicant is Heinz Wattie's Limited which is the only producer of preserved peaches under the brand names Wattie's, Oak and Weightwatchers.

The application is made on behalf of the sole New Zealand producer of preserved peaches. Any queries in regard to this application should be directed to:

Heinz Wattie's Limited
Private Bag 99920
Newmarket
Auckland

Telephone: [redacted]
Facsimile:

Contact: [redacted]
Email:

Heinz Wattie's Limited is a subsidiary of the Kraft Heinz Company, USA.

Importers

Heinz Wattie's is aware that the following companies import canned peaches from China. This is based on information obtained from the canned peaches product label.
- Foodstuffs Own Brands Limited
- Progressive Enterprises Limited

Import volumes from China suggest that despite the imposition of measures there are strong channels of distribution. In year ending March (YEM) 2017 imports from China were 29.3% of total import volumes.

Exporters

Heinz Wattie's currently has no knowledge of which companies in China are exporting to New Zealand and HWL does not currently import canned peaches from China. Interested parties who are importers would be able to provide this information in a review. Information on all importers is available from Custom's confidential data base which the Ministry has access to.

Exporters identified in the 2011 review included (which is the best information available to HWL)

- Chic Food Co. Ltd
- Linyi City Kangfa Foodstuff Drinkable Co. Ltd
- Qingdao Huaci Metal & Porcelain (industries) Co. Ltd.
- Sino-Everygreen Foodstuff Co. Ltd.
- Xiamen Wellink Import and Export Co. Ltd.
- Zhejiang Iceman Foods Co. Ltd.

3. Like Goods

The imported goods are described as:

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

The various packs may vary from cans to glass jars to plastic pottles and other forms of packaging (such as retort packs) with different capacities.

Heinz Wattie's produces, as part of its product range, a range of styles of preserved peaches (halves, slices and dices), packed in various media (such as syrup, fruit juice and lite) in various can sizes.

Heinz Wattie's is the only New Zealand manufacturer of preserved peaches and therefore the requirements of Section 10(3) of the act have been met.

The goods are currently classified under tariff item and statistical key 2008.70.09 of the Tariff of New Zealand.

The normal duty rate for the goods for China is 0%.

Like Goods Considerations

In identifying like goods, the applicant has used the Ministry's framework in order to determine what goods produced in New Zealand are like goods to the allegedly dumped imports.

(a) Physical characteristics, this covers appearance, size and dimensions, composition, production methods and technology.

(b) Function / usage. This covers consumer perceptions / expectations, end uses, and will lead to any conclusions on the issue of substitutability where relevant.

(c) Pricing structures.

(d) Marketing. This covers distribution channels, customers and advertising.

(e) Other. This can include tariff classification if applicable, and any other matters which could be applicable in the circumstances.

Physical Characteristics

The applicant produces preserved peaches either in the form of halves, slices or pieces. The processed peaches are packed in cans. These preserved peaches are similar to preserved peaches imported from China. The New Zealand preserved peaches are also similar to other types of packaging containing preserved peaches. This other kind of packaging can vary and is expected to include different forms of packs such as glass jars and pouches.

Function and Usage

The applicant produces preserved peaches for retail and food service sale in New Zealand. These preserved peaches have the same function and application as imported preserved peaches.

Pricing

The preserved peaches produced by the applicant compete at the same price point as the imported preserved peaches. This level of competition is Heinz Wattie's wholesale price versus the imported ex-wharf cost of imports as has been established in previous investigations.

Marketing Issues

The distribution channels, customers and means of advertising are similar for the New Zealand produced preserved peaches and imported preserved peaches from China.

Other

The canned peaches produced by Heinz Wattie's, if imported into New Zealand, would be classified under the same tariff item and statistical key in the Customs tariff. (Tariff item 2008.70.09.00)

Conclusions Relating to Like Goods

In summary, the preserved peaches manufactured in New Zealand by the applicant have the same or similar physical characteristics, method of manufacture, function and usage, pricing, marketing and tariff classification. There is sufficient evidence for the purposes of review that preserved peaches produced by Heinz Wattie's have characteristics that closely resemble the subject goods, and therefore are like goods to the subject goods.

4. Imports of Canned Peaches

Preserved peaches with the description of the subject goods are not separately identified in the Tariff of New Zealand. Heinz Wattie's is unable to provide the proportion of the import figures that are the subject goods of the relevant statistical key due to other imports. In addition, Heinz Wattie's has been unable to determine whether anti-dumping duty has been paid on imports of canned peaches that it has identified that are not Heinz Wattie imports. The Ministry has access to the customs database for answers to these questions.

The import figures in Table 1 below have been compiled from Statistics New Zealand (Infoshare) data.

Table 1 Imports under Tariff Item 2008.70.09.00 Year End March 2017

	Quantity	Cost including insurance and freight	Value for duty	Value for duty per kilogram
Australia	96,301	342,062	329,950	3.43
Brazil	18,900	36,779	35,056	1.85
China, People's Republic of	1,175,173	2,625,237	2,538,827	2.16
Croatia	121	451	430	3.55
France	60	463	414	6.90
Greece	33,677	55,897	51,652	1.53
Italy	22,325	26,926	20,714	0.93
Korea, Republic of	811	2,863	2,788	3.44
New Zealand	59,512	118,968	114,344	1.92
South Africa	2,507,790	5,020,197	4,782,184	1.91
Spain	50,755	80,853	66,432	1.31
Swaziland	32,340	102,749	94,807	2.93
Taiwan	230	1,126	1,117	4.86
United Kingdom	50	687	633	12.66
United States of America	11,159	23,563	22,281	2.00
Total	4,009,204	8,438,821	8,061,629	

Heinz Wattie's endeavours to source New Zealand grown fruit for its preserved peach operation [redacted] *[business strategy]* In times of short supply, Heinz Wattie's is compelled to import preserved peaches which may be subject to trade remedies.

Heinz Wattie's preserved peach imports, apart from country of origin declarations, are labelled the same as the New Zealand products and are sold at the same regular price. The sale of these products in the New Zealand market protects the market share, shelf space and consumer goodwill for New Zealand preserved peaches in a time of shortage and does not cause injury to Heinz Wattie's.

HWL understands that many of the importers and some exporters previously involved in exporting preserved peaches from China to New Zealand remain active. If anti-dumping duties are removed from the subject goods it is almost without question that these parties would be able to use the unfair advantage of dumped prices to increase imports of canned peaches into New Zealand.

Anti-dumping duties are in place currently for China, Greece and South Africa to prevent dumping and material injury to the New Zealand industry. The majority of imports from other countries are at significantly higher value for duty and do not cause injury to the New Zealand industry through dumping, with the exception of Spain, where anti-dumping duty was previously payable but which has now been removed and followed with a subsequent increase in imports in early 2017.

5. NEW ZEALAND MARKET

The New Zealand retail market for preserved peaches is made up of New Zealand production and imports as set out in Table 2. The AC Nielsen data used to construct this is available in Appendix 10.1.

As sales closely follow production and / or imports, no allowance has been made for stock in trade.

The New Zealand wholesale market for the supply of preserved peaches to distributors and retailers is highly competitive. There are no long-term supply contracts in place for customers and house brand supply contracts are up for constant tender. All supermarkets stock brands of preserved peaches other than those supplied from Heinz Wattie's. Heinz Wattie's therefore has no exclusive customers with the market always open to new sources of supply.

Because of the different levels of trade (CIF, FOB, ex-factory) an estimate of the wholesale market value has not been made. A more accurate indication of the wholesale market will be available when importers' sales values are obtained.

There are 3 distinct levels of trade:

- ex manufacturer, eg HWL
- ex importer direct to customer
- direct to supermarket

Table 2 Market Share by Brand

Brand	Market Share	Tonnes Sales
Watties	[redacted]	
Pams		
Oak		
Homebrand		
Budget		
Select		
Dole		
Countdown		
Rhodes		
Value		
Weight Watchers		
Summer Harvest		
Goldensun		
Ceres Organics		
No Frills		
Gilmours		

Source: Confidential Appendix 10.1 AC Nielsen Data MAT 23 April 2017

6. Evidence Of Dumping

Export Prices

It has not been possible to obtain actual export prices given HWL does not currently import canned peaches from China. Exporters from China (and most countries) do not have published export prices as the prices depend on a range of factors such as volume, seasonality, labelling, quality and packaging type and size. In previous applications the Ministry has accepted an export price that has been estimated from import statistics as shown in Table 3 below. Year ending April 2017 import data from Statistics New Zealand Infoshare has been used. This data is available in Appendix 10.2.

This [redacted] may also be [redacted]. It could be in [redacted] of canned peaches being imported from China to [redacted]. The increase in the [redacted] canned peaches could be [redacted] such as [redacted]. Evidence that this [redacted] of the [redacted] where [redacted]. This is a large increase and [redacted], for example [redacted]. Additionally, we have [redacted] over the same period [redacted] that have been sourced from China over this period. We have in fact [redacted] as confidential Appendix 10.3. This statement has been made to alert the Ministry that [redacted]. *[Heinz Wattie's observations and insights of price distortions in the New Zealand market the release of such is commercially sensitive and would provide competitors with a competitive advantage]*

In Appendix 10.15 are import statistics for [redacted]. If [redacted]. HWL notes that [redacted]. Historically when HWL has [redacted]. HWL would encourage the Ministry to [redacted]. The reason to look [redacted]. *[Heinz Wattie's observations and insights of price distortions in the New Zealand market the release of such is commercially sensitive and would provide competitors with a competitive advantage]*

Table 3 Export Price Year End April 2017

Export Price - Peaches		
Value for duty		2,484,956
Volume		1,164,535
VFD/Kg (NZD)		2.13
Currency Conversion (RMB)	4.8	10.24
Freight to Port	1%	0.10
ex-Factory RMB/Kg		10.14

Source: Appendix 10.2 Statistics NZ (Infoshare), Confidential Appendix 10.4

The average exchange rate has been found from www.nzforex.co.nz for the period 01/05/2016 through 30/04/2017 and taking the average for the year.

An allowance of 1%*[figure]* has been made for freight to port. This allowance has been made [redacted]. This is a very short transit compared to the transit of the like goods in China and is most likely significantly understated due to this. Heinz Wattie's has no knowledge of like goods freight rates in China.

Table 4 shows the export price from Statistics NZ for April 2017 which is the latest month available comparable to the date of the domestic price in China (May 2017).

Table 4 Export Price April 2017

Export Price - Peaches		
Value for duty		157,489
Volume		82,342
VFD/Kg (NZD)		1.91
Currency Conversion (RMB)	4.8	9.18
Freight to Port	1%	0.09
ex-Factory RMB/Kg		9.09

Source: Appendix 10.2 Statistics NZ (Infoshare), Confidential Appendix 10.4

Normal Value

Heinz Wattie's has been able to source market prices for preserved yellow peaches in China from May and June 2017. This was through the purchase of peaches from three retailers. This information is available as confidential Appendix 10.5 showing both receipts and a summarised translation.

The normal value calculation for a 410g can is shown below in Table 5.

Table 5 Normal Value May and June 2017

Normal Value - Peaches		
Retail Price (RMB/Kg)		[redacted]
excl Retailers margin	[redacted]	[redacted]
excl Freight to Customer	[redacted]	[redacted]
add back VAT effect	2%	0.30
ex-Factory Wholesale/Kg		15.24

Source: Confidential Appendix 10.5, Confidential Appendix 10.4

The [redacted]% retail margin has been based on HWL's knowledge of the margin and distribution of preserved peaches [redacted]. *[Heinz Wattie's estimate of a Chinese retailer's margin, based on commercially sensitive information the release of which would provide competitors with a competitive advantage]*

There is a VAT of 17%. There is an export rebate of 15% on exports of preserved peaches from China which is why 2% is added back.

In the Final Review Report concerning peaches from China (January 2012) the adjustment for VAT was accounted for as follows:

To preserve tax neutrality an adjustment equivalent to 2% of domestic inputs subject to VAT has been added back. (paragraph 161).

It is not clear if the Ministry was able to identify those inputs subject to VAT. As can be seen below the adjustment should be for the additional tax that is effectively incurred by exports. (2%)
In the last review a GAIN report was provided which refers to the export rebate of 15%. This is provided as Appendix 10.6. HWL has been able to confirm the 15% through the following link which is provided as Appendix 10.7

http://www.qqtong.com/szcktxlbweb/ShowArticle.asp?ArticleID=34879&page=6

An explanation of the system is available here :

http://www.lehmanbrown.com/insights-newsletter/calculate-vat-rebates/

http://www.chinaiplawyer.com/export-rebate-secret-cheaper-made-in-china-product-selling-china/

The partial refund of VAT on an export sale means that the export sale incurs an additional tax. In the case of peaches it is 2%. To achieve a fair comparison and a comparable price the additional tax is added to the price paid or payable.

The Australian Anti-Dumping Commission's Guidelines explains this as follows.:

Value Added Tax on exports
Value added tax (VAT) liability can differ between domestic sales and export sales. Domestic sales prices are usually VAT free (because most companies separately capture the output VAT amount on each individual sale). Export sales, on the other hand, usually incur VAT liability.
The Commission treats this VAT liability in export sales as having influenced the export price. Accordingly, where the normal value is calculated from VAT exclusive domestic sales prices, an upward adjustment is made in order to compare those domestic sales prices to the VAT inclusive export sales prices.
The maximum amount of the upward adjustment will be the difference between the VAT rates for normal supply and the rate of VAT refund for export. For example, if the VAT rate is 17% and the VAT refund rate 5% (because domestic sales incur a VAT liability of 17% while export sales incur a VAT liability of 12%) in this circumstance the maximum upward adjustment to normal value is 12%. (page 64)

The rebate of VAT has a marked effect on export volumes.[1]

An allowance of [redacted]% *[figure]* has been made for freight to customer. This allowance has been made on Heinz Wattie's understanding of local freight charges, available in confidential Appendix 10.4.

Dumping

A comparison of an export price based on year end April 2017 exports and a normal value estimated from a domestic price obtained in May 2017 is shown below in Table 6.

[1] http://www.adcommission.gov.au/cases/EPR%20251%20%20300/EPR%20300%20-%20archived%2013%20December%202016/048%20-%20SEF%20Appendix%204.pdf

Comparing the export price and normal value gives a dumping margin of 5.88 RMB per kg, or 50%.

Table 6 Dumping Margin

ex-Factory Wholesale/Kg		15.24
ex-Factory RMB/Kg		10.14
Dumping Margin		**5.10**
Dumping Margin % of Export Price		**50%**

Comparing an export price for April 2017 with an average domestic price obtained in May and June 2017 is shown in Table 7:This shows a significantly larger dumping margin.

Table 7 Dumping Margin for April 2017 Imports

ex-Factory Wholesale/Kg		15.24
ex-Factory RMB/Kg		9.09
Dumping Margin		**6.15**
Dumping Margin % of Export Price		**68%**

Both calculations demonstrate that there are significant dumping margins. There is no evidence to believe that if anti-dumping duties on exports of preserved peaches from China to New Zealand were removed they would not be dumped.

7. Evidence of Recurrence Of Material Injury

Price Undercutting

The import price of preserved peaches from China without duty including insurance and freight has been calculated in Appendix 10.2. Comparing this import cost, ex-wharf with Heinz Wattie's wholesale value, or net sales value ex-warehouse, gives the levels of price undercutting in Table 8. This is the level of trade that has been established in previous investigations. HWL has no detailed cost breakdown of the import costs given HWL has not imported canned peaches from China. The Ministry with access to the Customs database has access to more detailed information and will be able to source more detailed information from interested parties.

This margin of undercutting is significant and there is no evidence to believe that if anti-dumping duties are removed that this level of undercutting will not exist. The level of price undercutting analysed is Heinz Wattie's ex-factory price compared to the imported price ex-wharf. Note [redacted]. *[Reference to prior comments in application in relation to price distortions in market]*

Table 8 Price Undercutting

	A	B	A - B	(A - B)/A
	Net Sales per Kilogram	Import Cost per Kilogram	Undercutting per Kilogram	Undercutting Percent
Wattie's	[redacted]			28%
Oak	[redacted]			5%

Source: Table 2,Confidential Appendix 10.4

Price Depression

Heinz Wattie's premium brand is the Wattie's brand while [redacted]. Heinz Wattie's endeavours [redacted]. The Wattie's brand has a lot [redacted] The [redacted]. Evidence of the Wattie's premium is available in Confidential Appendix 10.1, Nielsen market data. The Wattie's price can only be maintained if the [redacted] such a price differential that consumers resist paying the Wattie's price. Unsustainable price differences have previously occurred in the past when dumped or subsidized imports have entered the New Zealand market. This resulted in such a loss of volume and market share for Heinz Wattie's products that prices for this premium range were forced downwards. Evidence of this market share loss has been presented in the last two initiation investigations; China 2005 where the [redacted] brand grew to [redacted]% share in Pak n Save South Island over 4 weeks and likewise for the Spain 2010 investigation where the [redacted] brand grew to [redacted]% share in Pak n Save Wellington over 4 weeks. *[Heinz Wattie's insights into NZ market dynamics]*

A similar effect would be likely to occur should dumped imports from China be permitted to return to the market. In fact, [redacted] and the supporting horticultural industry [redacted] from China be sold in the New Zealand market. *[Forecast scenario]*

In the absence of anti-dumping duties, importers and retailers would be able to command retail price points below NZD $1.00 per unit for a 410g can of preserved peaches. Historically this has been the price retailers have targeted to drive foot traffic in-store. If dumped peaches were to be traded at this price point in the New Zealand market, Heinz Wattie's will face the clear and imminent threat of having to decrease wholesale prices to customers.

Price Suppression

The effects of dumped preserved peaches from China returning to the NZ market of price undercutting causing price depression would mean that price suppression would exist with Heinz Wattie's being unable to offset the significant undercutting by means of cost savings and price increases elsewhere. In fact the opposite effect would occur with Heinz Wattie's cost base increasing due to market share being taken by dumped imports of preserved peaches from China causing processing costs per tonne to increase. This would be because if market share transferred to dumped imports the quantity of canned peaches that HWL would be required to produce would reduce and the fixed costs (being the same) of running the canned peach business would be spread across this reduced volume representing an increase in cost per tonne. This can be illustrated using the information in Confidential Appendix 10.9.In 2017 fixed cost per kg are forecast to be NZD [redacted] /kg *figure]* based on a production/sales volume of [redacted] Tonnes. *[figure]* A reduction in this volume would have an adverse effect on the fixed costs per kg and an immediate impact on profit.

In addition Heinz Wattie's undertakes significant [redacted] in order to maintain market share and protect the price levels of its product. Should dumped peaches from China reappear on the New Zealand market Heinz Wattie's would either [redacted]. Either way injury will have occurred. *[Forecast scenario]*

Loss of market share

In all previous investigations it has been shown that the entry of dumped peaches has resulted in a loss of market share for Heinz Wattie's branded peaches. Evidence of this market share loss has been presented in the last two initiation investigations; China 2005 where the [redacted] brand grew to [redacted]% share in Pak n Save South Island over 4 weeks and likewise for the Spain 2010 investigation where the [redacted] brand grew to [redacted]% share in Pak n Save Wellington over 4 weeks.

Loss of sales revenue

Using the import price of peaches ex-wharf from Appendix 10.2 (2.23) and converting to RMB (x4.8), this shows imports of peaches are at a value of 10.70 RMB per kilogram. Given the residual duty reference price of 12.34 RMB per kilogram it can be assumed the immediate injury would be the price effect of removal of anti-dumping duty being the difference in the residual duty price and current import price to New Zealand which is 1.64 RMB per kilogram or NZD $0.34 per kilogram at the exchange rate calculated. A summary of this injury is available in Table 9 below. This could [redacted]. *[Impact of injury on sales revenue]*

This forecast is based on the assumption that upon duty removal, importers will pass on cost savings to consumers. Given [redacted] we will need to compete at the new depressed price level [redacted]

[redacted]. *[Impact of injury on sales revenue and profit]*

Table 9 Forecast Loss of Sales Revenue

	2015	2016	2017	2018	2019
Sales without anti-dumping duty	[redacted]				
Sales with anti-dumping duty					
Loss of sales revenue				[redacted]	
Loss of sales revenue index to 2017			100%	88%	88%

A forecast reflecting this loss is available in Confidential Appendix 10.8. In Confidential Appendix 10.9 is a forecast with anti-dumping duties in place as a comparison.

Profits

The loss in sales revenue above reflects that Heinz Wattie's will need to incur more trade marketing activity to protect its volume market share. Therefore this loss in sales revenue directly impacts profit. A summary of this loss in profit is available in Table 10 below.

Table 10 Forecast Impact on Profits

	2015	2016	2017	2018	2019
EBIT without anti-dumping duty	[redacted]				
EBIT with anti-dumping duty					
Loss of profit				[redacted]	
Loss of profit index to 2017			100%	-149%	-186%

Such a loss of sales revenue and profit would [redacted] the associated supporting horticultural industry. *[Comments in relation to impact on profit]*

A forecast reflecting this loss is available in Confidential Appendix 10.8. In Confidential Appendix 10.9 is a forecast with anti-dumping duties in place as a comparison.

Forecasted Imports from China

It is important to be clear that the threat of injury exists immediately if existing anti-dumping duties are removed due to the high volume of imports from China and the reasonable expectation that cost savings from the removal of the duty would be passed on. Evidence of import volumes and this effect has been provided earlier in the application.

HWL has demonstrated in the last two initiation investigations against China (2005) and Spain (2010) that it only takes a relatively small volume of imports into the market, in the region of 200 tonnes, to cause the price effects mentioned. It has never been a question about market saturation.

However, it would be foolhardy to overlook the fact that the China canned peach industry is over 400,000 tonnes and the New Zealand market is a little over 5,600 tonnes. The New Zealand market as a percentage of the China industry is within the rounding error when independent parties have analysed the China industry.

Furthermore, there is evidence available to suggest that increased imports of preserved peaches from China have had a significant impact on other peach processing industries. Testimony from the President and CEO of the California Canning Peach Association is provided as evidence in Appendix 10.10.

It has been hard to source recent evidence of actual export volumes of canned peaches from China but the following link http://www.tanco.com.cn/m/en/html/5746285413.html provides a useful insight into trends in the food industry in China, namely;

1. Canned food production and exports of canned food is growing
2. Canned peaches made the top 5 list of exports in 2015

These two points along with other evidence from other reports such as comparing the volume of canned peach production in China from the 2010 Gain Report (370,000 tonnes up 10% on year prior) to the more recent 2012 Gain Report (420,000 tonnes) demonstrates that the canned peach industry is in high growth which would indicate there is a need for new markets. The 2012 GAIN Report is available as Appendix 10.11.

Productivity

Currently, imports of preserved peaches from China are not having an adverse affect on Heinz Wattie's productivity due to the anti-dumping duties in place removing the volume of dumped imports. Should the anti-dumping duties be removed and the cost of importing reduce and be passed onto the consumer, then there will be an adverse affect on the New Zealand industry which will ultimately result in the closure of the New Zealand industry.

Presently, Heinz Wattie's has [redacted]. Should dumped import pricing be passed onto consumers, Heinz Wattie's would need to consider [redacted]. The [redacted] annually. Heinz Wattie's would need to consider [redacted]. *[Heinz Wattie's comments in relation to current business]*

Return on Investments

EBIT figures have been provided both with and without anti-dumping duties in place in Confidential Appendix 10.8 and Confidential Appendix 10.9. Returns would further diminish post 2019 with [redacted]. *[Heinz Wattie's comments in relation to current business]*

Production Capacity

As mentioned in previous investigations, Heinz Wattie's production capacity is constrained by the crop its contracted orchardists can deliver. If anti-dumping duties are removed and material injury does occur, [redacted]. *[Heinz Wattie's comments in relation to current business].*

This will have a devastating effect upon New Zealand peach growers as the company's raw material suppliers. If duties are removed, then potentially, Heinz Wattie's will [redacted]. This will represent an [redacted] and an [redacted]. The company's forecast demand requirements will also be reduced due to the presence of these dumped peaches in the market. The [redacted] as demand will be suppressed [redacted] Heinz Wattie's requirements. This may well cause [redacted]. *[Heinz Wattie's comments in relation to current business]*

Other economic effects

The loss of volume, sales revenue and profits from the return of dumped imports will also have significant adverse effects upon Heinz Wattie's achievable return on investments, cash flow, inventories, employment and growth with the closure of the New Zealand industry.

Under the forecasted scenario of removal of duties [redacted] the impact would be :

- Decreased cash flow with an [redacted] to compete as has been articulated earlier in the application
- [redacted] that HWL will need to either [redacted], either way the value of that stock has diminished based on the lower returns through removal of duties
- Employment [redacted]

[Heinz Wattie's comments on forecast injury]

Causal Link

The causal link between dumped imports of preserved peaches and material injury has been established in the original investigation. It was found in the original review that should anti-dumping duties not be put in place, material injury would occur to the New Zealand industry. With the availability of China preserved peaches for export and the continued importation of dumped canned peaches this causal link still remains in place as was determined in the original investigation.

8. Other Factors Affecting the Industry

Volume and Prices of Goods not Sold at Dumped Prices

Heinz Wattie's is not aware of any material injury being caused through fairly traded competitor branded product

Contraction in Demand or Changes in the Patterns of Consumption

There does not appear to be any contraction in demand or changes in the patterns of consumption.

Restrictive Trade Practices of; and Competition Between, Overseas and New Zealand Producers

Heinz Wattie's is not aware of any further restrictive trade practices that is currently affecting the New Zealand industry.

Spain

Heinz Wattie's was concerned at the recent decision by the Ministry to remove anti-dumping measures on canned peaches from Spain and is expecting the threat from dumped Spanish canned peaches to materialise and cause injury in the near future. Evidence from import statistics shows an increase in imports of canned peaches from Spain. This is available as Appendix 10.12. Note this is an increase on 2016. Appendix 10.13 details that in 2016 in January 16,874 KGs of peaches were imported from Spain with total calendar year imports being 16,946 KGs.. In Appendix 10.12 there is evidence of 50,683 KGs of peaches being imported from Spain in the months of January through March 2017.

China VAT Refund and Subsidies

Through various sources it appears exporters are incentivised through the VAT rebate scheme to export and that there may be subsidies. Examples of the forms of these subsidies are given in the GAIN Report in Appendix 10.11

Developments in Technology

Heinz Wattie's does not believe that there is any evidence of a technology development relevant to a consideration of material injury.

Heinz Wattie's method of processing peaches is similar to that of other processors.

Export Performance and Productivity of the New Zealand Producer

HWL exports a small volume of preserved peaches to Australia and the Pacific Islands. In 2016, Heinz Wattie's exported [redacted] *[figure]* tonnes of preserved peaches to the Pacific Islands.

Likelihood of Injury if Measures Cease or are Terminated

HWL believes that the evidence provided in this application indicates that there will be a recurrence of material injury should anti-dumping duties be removed.

It is likely that imports of preserved peaches from China would increase significantly, in part due to importers switching from other sources of supply. The ability to supply established customers from countries previously subject to measures is shown through the import statistics which are provided in Appendix 10.14.. Note the changes from 2007 to 2008 when a large volume of imports switched from China to South Africa. This demonstrates that previously importers have been able to easily change sources of supply. This ability to change sources of supply to countries not subject to measures is mentioned above and HWL has demonstrated in the previous initiation investigations for China 2005 and Spain 2010 that this would cause significant injury.

It is likely that the prices of dumped imports from China would undercut HWL's prices and this in turn will mean that it is likely that HWL's prices will be depressed and suppressed.

HWL could maintain volumes if measures were removed but it is likely that the cost to retain HWL's sales volumes and customers will result in a significant reduction in profit.

HWL believes it is likely that [redacted]. *[Heinz Wattie's comments on forecast injury]*

9. Confirmation of Application

I apply, on behalf of Heinz Wattie's Limited, for the initiation of a sunset review of the anti-dumping duties applicable to *Peaches in preserving liquid, in containers up to and including 4.0kg* from China.

In support of this application I attach positive evidence of :

i. The likelihood of dumping, should anti-dumping duty be removed;
ii. The likely recurrence of injury to the industry from the removal of duties; and
iii. The causal link between dumped goods and the likely recurrence of injury from the removal of duties.

Heinz Wattie's Limited makes this application as the New Zealand industry producing, for domestic consumption, like goods to those subject to the application.

Signed

Name [redacted]

Position [redacted]

Date June 2017

10. APPENDICES

1. AC Nielsen Retail Market Data *[confidential]*

2. Statistics NZ Infoshare Data

3. Retail Market Analysis *[confidential]*

4. Heinz Wattie's Freight Rates *[confidential]*

5. China Market Receipts and Translation

6. 2010 USDA GAIN Canned Deciduous Fruit Report

7. Confirmation of 15% Export Rebate

8. Heinz Wattie's Financials - Injury Forecast *[confidential]*

9. Heinz Wattie's Financials – Forecast *[confidential]*

10. California Canned Peach Association Testimony

11. 2012 USDA GAIN Canned Deciduous Fruit Report

12. Spain 2008700900 Imports 2017

13. Spain 2008700900 Imports 2016

14. Imports from South Africa and China 2000 Onwards

15. Other Fruit Imports

Harmonised Trade - Imports (Monthly)
China, People's Republic of
Fruit; peaches, including nectarines, prepared or preserved in ways n.e.c. in heading no. 2007 and 2008, whether or not containing added sugar, other sweetening matter or spirit

	Quantity	Cost including insurance and freight	Value for duty	VFD/KG	Yuan	Freight to Port	ex-Factory Yuan/KG
2016M04	92,980	219,121	211,360	2.27	10.91	0.11	10.80
2016M05	103,240	247,324	239,617	2.32	11.14	0.11	11.03
2016M06	90,123	211,951	204,765	2.27	10.91	0.11	10.80
2016M07	122,398	260,637	253,877	2.07	9.96	0.10	9.86
2016M08	64,567	158,504	153,257	2.37	11.39	0.11	11.28
2016M09	16,093	44,979	43,785	2.72	13.06	0.13	12.93
2016M10	84,120	186,870	178,826	2.13	10.20	0.10	10.10
2016M11	122,649	280,170	272,318	2.22	10.66	0.11	10.55
2016M12	121,812	261,507	253,645	2.08	9.99	0.10	9.89
2017M01	105,836	246,265	239,311	2.26	10.85	0.11	10.74
2017M02	131,708	255,343	244,896	1.86	8.93	0.09	8.84
2017M03	119,647	252,566	243,170	2.03	9.76	0.10	9.66
	1,175,173	2,625,237	2,538,827				
		2.23	2.16				

Table information:
Units:
Cost including insurance and freight: Dollars, Magnitude = Units (in 1s)
Quantity: Number, Magnitude = Units (in 1s)
Value for duty: Dollars, Magnitude = Units (in 1s)

Footnotes:

Quantity unit:
Code 2008700900: Kgms

Data is provisional for the three most recently released months.
Aggregated Harmonised System (HS) codes may include confidential 10 digit codes, in which case the summed data will exclude the confidential value(s).
All dollar values are in New Zealand dollars unless otherwise stated.
For more information, please see www.stats.govt.nz/trade

Symbols:
.. figure not available
C: Confidential
E: Early Estimate
P: Provisional
R: Revised
S: Suppressed
N: No applicable data can be displayed

Status flags are not displayed

Table reference:
TIM001C

Last updated:
Cost including insurance and freight: 28 April 2017 10:45am
Quantity: 28 April 2017 10:45am
Value for duty: 28 April 2017 10:45am

Source: Statistics New Zealand
Contact: Information Centre
Telephone: 0508 525 525
Email:info@stats.govt.nz

Retailer	Product	KGs	Yuan
Carrefour	HUANLEJIA Canned Yellow Peach in Syrup	0.800	13.33
Carrefour	KF Canned Yellow Peach	0.550	12.74
Carrefour	Green Jebel Orchard Canned Yellow Peach in Syrup	0.508	11.54
Carrefour	Top Canned Yellow Peach	0.760	12.39
		2.618	50.00
			19.10
RT-Mart	GuoYuan Canned Yellow Peach	0.900	18.38
RT-Mart	Sci-tech Peach Canned	1.000	17.86
RT-Mart	YiDa Canned Yellow Peach in Syrup	0.757	16.07
WalMart	Grand Tree Canned Yellow Peach	0.860	13.59
WalMart	Great Value Canned Half Yellow Peaches	0.825	9.23
WalMart	ZiShan Canned Peach	0.485	8.38
WalMart	AOLINGQI Canned Peach	0.450	8.72
WalMart	ZhengPengDa Canned Peach	0.256	4.70
		5.533	96.930
			17.52
		8.151	146.930
			18.03

10.5

上海增值税普通发票

3100164320　　　　No 16330365

3100164320
16330365

校验码 50600 34754 49266 84010

开票日期：2017年05月02日

购买方	名　　称：亨氏（中国）投资有限公司 纳税人识别号： 地 址、电 话： 开户行及账号：	密码区	/4<5+2+++4*+7+6*-03>9913>95 4-29/--4<8>79>92-<5>2+1423 >>10>5</GGG4!*77!G!*0329 9 3>11*9/8/--4<8>79>92-<59-+5

货物或应税劳务、服务名称	规格型号	单位	数量	单价	金额	税率	税额
双乐采真糕800g		件	1	13.3333333333	13.33	17%	2.27
背心袋 615x415mm		件	1	0.2564102564	0.26	17%	0.04
康友罐头		件	1	12.7350427350	12.74	17%	2.16
绿山果园食品罐头		件	1	11.5384615385	11.54	17%	1.96
六耕猫本食品		件	1	12.3931623993	12.39	17%	2.11
合　　计					￥50.26		￥8.54
价税合计（大写）	⊗伍拾捌圆捌角整			（小写）	￥58.80		

销售方	名　　称：上海联家超市有限公司 纳税人识别号：913100006073208287 地 址、电 话：西江湾路388号 021 56695701 开户行及账号：工行营业行长分处 022100-1001210009016215659	备注	销售单号20170502200099总金额中，其他支付方式58

收款人：　　复核：　　开票人：苏然　　销售方：（章）

第二联：发票联　购买方记账凭证

税总函[2016]507号西安西正印制有限公司

10.5

3100171320

上海增值税普通发票

发票联

№ 45518387

3100171320
45518387

开票日期：2017年06月14日

校验码 67681 30230 31595 63870

购买方 名称：	亨氏（中国）投资有限公司
纳税人识别号：	91440101737190865Y
地址、电话：	
开户行及账号：	
密码区	67926+9>*4*39+86140168/4217 </03>77+7<6411>666>46>>05-/ */>*06296<522+/<96812401+-4 5357<>23--0/7<2489>7<<+2>27

货物或应税劳务、服务名称	规格型号	单位	数量	单价	金额	税率	税额
果愿黄桃罐头 900克/瓶	900克/瓶	1瓶	1	18.376068376	18.38	17%	3.12
科技糖水黄桃罐头	1kg/瓶	1瓶	1	17.863247863	17.86	17%	3.04
怡达糖水黄桃罐头757g/瓶	757g/瓶	1瓶	1	16.068376068	16.07	17%	2.73
九百购物中心马夹袋(大号)	615*(415+200)*0.027mm	1个	2	0.2564102564	0.51	17%	0.09
合计					¥52.82		¥8.98

价税合计（大写） ⊗ 陆拾壹圆捌角整 （小写） ¥61.80

销售方 名称：	上海九百购物中心有限公司
纳税人识别号：	913101137030379500
地址、电话：	上海市宝山区华灵路1051号-1067号 021-66352555
开户行及账号：	交通银行上海大华支310066302018000182891
备注	25027095

收款人： 复核： 开票人：邓冬燕 销售方：（章）

上海九百购物中心有限公司 913101137030379500 发票专用章

全国统一发票监制章 上海 国家税务局监制

税总函[2016] 675号西安西正印制有限公司

第二联：发票联 购买方记账凭证

10.5

上海增值税普通发票

3100171320

№ 37759780

3100171320
37759780

发票联

校验码 71269 05981 15475 51882

开票日期：2017年06月14日

购买方	名称：亨氏（中国）投资有限公司 纳税人识别号：91440101737190865Y 地址、电话： 开户行及账号：	密码区	67/340-38294654+*99-6-9168/ 9220352+48/22/<+7*843*28566 -4813*68447>6*99654/>99-691 3785+000795/4892-5<->4/2+1+

货物或应税劳务、服务名称	规格型号	单位	数量	单价	金额	税率	税额
冠之林黄桃糖水罐头		瓶	1	13.58974359	13.59	17%	2.31
惠宜糖水黄桃罐头		罐	1	9.2307692308	9.23	17%	1.57
惠宜糖水黄桃罐头		罐	1	8.3760683761	8.38	17%	1.42
奥灵奇糖水黄桃		瓶	1	8.7179487179	8.72	17%	1.48
振鹏达黄桃罐头		罐	1	4.7008547009	4.70	17%	0.80
覆膜购物袋(大)		个	2	0.2564102564	0.51	17%	0.09
合计					¥45.13		¥7.67
价税合计（大写）	⊗伍拾贰圆捌角整				（小写）¥52.80		

销售方	名称：上海江珂百货商业有限公司 纳税人识别号：913100007030288432 地址、电话：上海市普陀区平利路18号 021-56077377 开户行及账号：渣打银行（中国）有限公司上海分行 000000501510583254	备注	

收款人： 复核：乔静华 开票人：唐春芳 销售方：（章）

上海江珂百货商业有限公司 913100007030288432 发票专用章

全国统一发票监制章 上海 国家税务总局监制

第二联：发票联 购买方记账凭证

税总函［2016］675号西安西正印制有限公司

10.5

10.6

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

Voluntary _ Public

Date: 11/5/2010
GAIN Report Number: 10062

China - Peoples Republic of

Post: Beijing

Canned Deciduous Fruit Report

Report Categories:
Canned Deciduous Fruit

Approved By:
Michael Woolsey

Prepared By:
Ryan R. Scott, Freddie Xu, and Wu Bugang

Report Highlights:

Canned peach production for MY 2010/11 is forecast at 370,000 MT, up 10 percent from last year, due to continued growth in domestic demand and rising domestic prices. As a result, many Chinese canneries are shifting their focus to the domestic market from the overseas market.

Canned pear production is forecast at 78,000 MT, which is only two percent higher than the previous year, and exports are up a mere one percent to 58,000 MT.

Production:

Canned peach production for market year (MY) 2010 (June-May) is forecast at 370,000 metric tons (MT), which is up 10 percent from the previous year and largely due to rising demand from the domestic market. Despite lower production of fresh yellow peaches (used in canned peaches) in MY2010 due to cold temperatures in the spring season, fresh supplies are still sufficient as new plantings from previous years have gradually reached full production. Acreage for fresh yellow peaches, however, is expected to decrease in coming years due to unprofitable returns.

Canned pear production for MY2010 is forecast at 78,000 MT, up a mere two percent from the previous year.

Prices:

The main driver of rising costs in the canning industry is labor costs. Reportedly, wages offered in the canning industry are drastically lower than wages offered in other sectors. With the growing shortages of laborers, some large canneries are planning to build production lines and machineries to help replace the loss of laborers. Meanwhile, other canneries are moving to mid-west provinces like Hunan and Shaanxi to build new facilities where there is an abundance of fresh supplies and cheaper labor costs. As a result of the increased level of mechanization and rising labor costs, small canneries are expected to fade out.

Despite lower production in the Shandong Province, farmers have mentioned that farm gate prices for fresh yellow peaches remained unchanged from the previous year at $0.22-0.25 per kilogram. However, labor costs in a Shandong cannery has increased to $6.0-7.5 per day, which is 30 percent higher from the previous year. Furthermore, production materials such as tin, sugar, and fuel have also increased by 5-15 percent on a yearly basis.

Canneries would like to increase export prices by 5-10 percent, but overseas buyers such as the United States would only accept current prices for lower quality products. The export prices during MY2009/10 averaged $1,000/MT.

Consumption:

Canned halved peaches remain the favorite canned fruit among Chinese consumers. Industry contacts indicate that consumption is increasing at 10-20 percent a year. A few years ago, Post estimated 50 percent of the total canned halved peaches produced in China were consumed locally; now, the share has increased to around 65 percent.

Consumption for other canned fruit is increasing slowly as most Chinese consumers still prefer fresh fruit to their canned counterparts. The canning industry, including industry groups, are making more marketing efforts in the retail and catering sectors.

Trade:

Exports

Reduced demand from Europe has dampened China's exports of canned peaches, with total exports forecast at 143,000 MT in MY2010/11, which is down two percent from the previous year. The Chinese currency has appreciated more than 10 percent against the Euro, making Chinese canned fruit less competitive than products sold by Greece, the world's largest canned peach supplier.

Many Chinese canneries are shifting their focus to the domestic market as current export prices cannot offset rising production costs. Chinese canneries claim that domestically-sold **canned halved peaches** are priced higher than the **canned diced peaches** sold to overseas markets. However, despite low export prices, Chinese canneries will continue to export until their products are predominately sold onto the domestic market where prices are more profitable. In 2009, a major cannery in Shandong successfully doubled their domestic sales to 20 percent of total production from 10 percent.

Canned pear exports are forecast at 58,000 MT in MY2010, up one percent from the previous year, based on continued flat demand from overseas buyers. Similar to canned peaches, the Chinese canneries are losing interest in producing canned pears since world market prices remain unchanged. The United States remains the largest buyer of Chinese canned pears, followed by Germany and Thailand.

Imports

Increasing demand from high-end hotels, restaurants and bakeries are pushing China's imports of canned yellow peaches to 7,500 MT in MY2010, which is 7 percent higher from the previous year. South Africa remains the single largest supplier of canned yellow peaches to China.

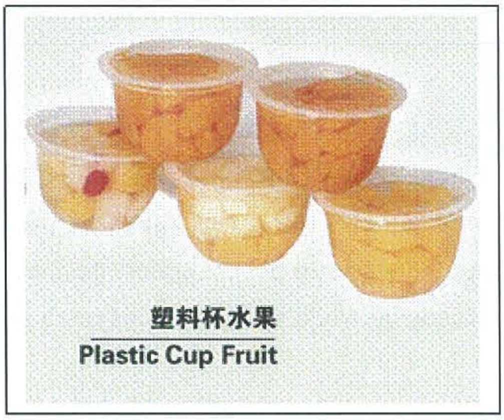
Policy:

In an effort to encourage exports of processed agricultural products, on June 1, 2009, the Chinese government increased the tax rebate from 13 percent to 15 percent for some processed farm products that include canned peaches and pears. Also, in producing provinces such as Shandong and Anhui, state-owned banks provide preferential loans to leading canneries, exporters, and processors.

Marketing:

Product

Canned yellow peaches are the most popular canned fruits, followed by mixed fruits. Normally, Chinese consumers prefer big peach halves that have a harder texture and a deep yellow color. However, currently, only one local variety, Ba San, can meet these requirements. Canned yellow peaches from other countries, like the U.S., South Africa and Greece enjoy competitive advantages on these features.



Packaging

Packaging plays a very important role as Chinese consumers like to inspect the fruit before making purchasing decisions. Most local canneries use glass jars for consumers to see the contents, while other packaging innovations include soft cans (jars made of transparent plastic) or the foldable spoons for soft cans. It is very likely that fruit marketed in soft cans will continue to expand. Glass jars and soft cans are predominantly sold in hypermarkets and other retail chains. Most imported products do not address the nuances of the hypermarkets, as many are packaged in conventional tin cans. For consumer oriented sales, a suggestion would be to sell the product in a more transparent container. The food service sector (e.g. restaurants) primarily uses conventional cans for both domestic and imported brands for easier transportation purposes.

Pricing

Retail Cost of Canned Yellow Peaches Per 100 gram	
Country	U.S. dollars
China	$0.27
South Africa	$0.35
USA	$0.58
Germany	$0.98

*ATO market survey

In supermarkets and hyper-markets, competing domestic canned fruit brands are similarly priced; while imported canned fruit prices are approximately 50%-400% higher than their domestic counterparts. The food service sector generally buys imported products because of their higher quality, which is competitive to domestic canneries that produce higher quality canned fruit at relatively cheaper prices. Industry insiders suggest that some bakery shops are willing to pay a higher price for the superior quality, but, at the present, domestic supply does not produce higher quality canned fruits to meet industry demand.

Promotion

Local manufacturers have limited budget resources dedicated to educating consumers and conducting public marketing campaigns. The industry's marketing efforts focus primarily on northeast China, which has a higher consumption of canned fruits. Billboards, bus advertisements, and free tastings are common promotional tools. In terms of retailing, promoted products generally sell about 50 percent more than products that are not promoted.

Distribution

Imported canned peaches, pears, and apricots are primarily bought by the Chinese bakery industry, mainly due to the superior taste and uniformed shape and texture. Premium bakery shops garnish cakes and other bakery items with canned sliced fruit as it makes the dessert appear fresh, which is extremely important to the growing consumer market of health-conscious consumers. If buyers in their market are less concerned about the appearance of the fruit, bakeries will use domestically produced canned fruit to lower purchasing costs. Imported canned peaches, pears, and apricots are largely sold to expatriates and few upper-class Chinese at a few high-end retail outlets.

For domestically produced products, broadening the consumer base in the domestic market has become more prevalent. One manufacturer indicates that the marketing costs account for 45-50 percent of the total selling cost in the domestic retailing market. Difficult as it is, Chinese canneries are very optimistic about the untapped opportunities in the domestic market. Managers are planning to increase the share of domestic sales relative to total production from the current 10-30 percent to 50-100 percent in the next three to five years. Some leading canneries are already segmenting into new niche markets in the food service sector, such as four and five star hotels, VIP clubs, and karaoke bars where people sing in a private room that is catered with various snacks/fruits and drinks.

Opportunities and challenges

Both domestic canneries and distributors of imported canned fruits predict that the domestic consumption of locally produced and imported canned yellow peaches will continue to grow at an annual rate of 20 percent in the next three to five years. The emerging baking industry in China foresees a promising future for imported canned yellow peaches. One R&D manager of a famous chain of bakery shops points out that the popularity of bakery products with fruit garnish is growing.

However, challenges still exist. As previously mentioned, Chinese consumers are biased against canned fruits, believing that they contain preservatives and are less tasty than fresh fruits. It is imperative that the U.S. industry continues to sponsor education programs on the safety of canned fruit products and why canned fruit is a healthy alternative to fresh fruits.

Production, Supply and Demand Data Statistics :

Canned Peaches

Peaches, Canned China	2008/2009			2009/2010			2010/2011		
	Market Year Begin: Jun 2008			Market Year Begin: Jun 2009			Market Year Begin: Jun 2010		
	USDA Official	Old Post	New Post	USDA Official	Old Post	New Post	USDA Official	Old Post	New Post
Deliv. To Processors	558,750	558,750	558,750	502,500	502,500	502,500			555,000
Beginning Stocks	0	0	0	40,000	40,000	40,000			17,000
Production	372,500	372,500	372,500	335,000	335,000	335,000			370,000
Imports	5,511	5,511	5,511	5,300	5,300	7,022			7,500
Total Supply	378,011	378,011	378,011	380,300	380,300	382,022			394,500
Exports	147,799	147,799	147,799	150,000	150,000	145,971			143,000
Domestic Consumption	190,212	190,212	190,212	228,000	228,000	219,051			251,500
Ending Stocks	40,000	40,000	40,000	2,300	23,000	17,000			0
Total Distribution	378,011	378,011	378,011	380,300	380,300	382,022			394,500

Canned Pears

Pears, Canned China	2008/2009			2009/2010			2010/2011		
	Market Year Begin: Jun 2008			Market Year Begin: Jun 2009			Market Year Begin: Jun 2010		
	USDA Official	Old Post	New Post	USDA Official	Old Post	New Post	USDA Official	Old Post	New Post
Deliv. To Processors	144,000	144,000	144,000	122,400	122,400	122,400			124,800
Beginning Stocks	0	0	0	0	0	0			0
Production	82,000	82,000	82,000	76,500	76,500	76,500			78,000
Imports	15	15	15	20	20	61			100
Total Supply	82,015	82,015	82,015	76,520	76,520	76,561			78,100
Exports	61,027	61,027	61,027	55,000	55,000	57,371			58,000
Domestic Consumption	20,988	20,988	20,988	21,520	21,520	19,190			20,100
Ending Stocks	0	0	0	0	0	0			0
Total Distribution	82,015	82,015	82,015	76,520	76,520	76,561			78,100

Latest export tax rebate rate table 请输入关键字 Submit Query Database more search export tax rebate update log

Chapter 20 Articles of vegetables, fruits, nuts or other parts of the plant

Commodity code	product name	unit of measurement	VAT refund rate%
2008500000	Non-vinegar made of apricot (with vinegar or acetic acid other than the method of production or preservation)	kilogram	5
20085000001	By 13% taxed non-vinegar produced apricot	kilogram	5
20085000002	17% taxable non-vinegar produced apricot cans	kilogram	15
20086010	Canned or prepared by other methods	kilogram	15
2008609000	Other cherries made or preserved by other methods	kilogram	5
20086090001	Do not use vinegar made of cherries, except canned	kilogram	5
20086090002	Cooked and cooked with 17% of the non-vinegar produced cherries, except canned	kilogram	15
20087010	Peach canned	kilogram	15
2008709000	Other peaches made with vinegar	kilogram	5
20087090001	Other peaches produced by non-vinegar, taxed by 13%, including nectarine	kilogram	5
20087090002	Other peaches made with non-vinegar at 17% tax, including nectarine canned	kilogram	15
2008800000	Strawberries made with vinegar (made or preserved with vinegar or other methods other than acetic acid)	kilogram	5
20088000001	Strawberries made with non-vinegar at 13% taxable	kilogram	5
20088000002	Strawberries made with non-vinegar at 17% taxable	kilogram	15
2008910000	Non-vinegar made of palm kernel (made with vinegar or acetic acid other methods or preservation)	kilogram	5
20089100001	Taxes made of non-vinegar at 13% taxable	kilogram	5
20089100002	According to 17% taxed non-vinegar produced palm core	kilogram	15
2008930000	Use other methods to make or preserve cranberry	kilogram	5
20089300001	According to the 13% taxed non-vinegar produced cranberry (large fruit cranberry, small fruit cranberry, cranberry) [with vinegar or acetic acid other than the method of production or preservation]	kilogram	5
20089300002	According to the 17% taxed non-vinegar produced cranberry (big fruit cranberry, small fruit cranberry, cranberry) [with vinegar or acetic acid other than the method of production or preservation]	kilogram	15
2008970000	Any other method of making or preserving assorted fruit	kilogram	5
20089700001	Non-vinegar made of the fruit [with vinegar or acetic acid other than the method of production or preservation]	kilogram	5
20089700002	Cooked and made of 17% taxable non-vinegar made with the fruit [with vinegar or acetic acid other than the method of production or preservation]	kilogram	15
20089910	Canned litchi	kilogram	15
20089920	Longan canned	kilogram	15
20089931	Seasoned seaweed	kilogram	15
2008993200	Salted kelp	kilogram	5
20089932001	13% taxable salted kelp	kilogram	5
20089932002	17% taxable salted kelp	kilogram	15
2008993300	Salted wakame	kilogram	5

Total **214** Article Home | Previous | 1 2 3 4 5 6 7 8 | Next | Last **30** / Page To 6 page

ORAL TESTIMONY OF MR. RICH HUDGINS
U.S. INTERNATIONAL TRADE COMMISSION HEARING ON AGOA
Inv. No. 332-544
JANUARY 14, 2014

Good afternoon Chairman Williamson, ITC Commissioners, and staff. My name is Rich Hudgins. I am the President and CEO of the California Canning Peach Association and am testifying on behalf of the California Cling Peach Board. The Board represents all 500 cling peach growers in California. Virtually all cling peaches in the United States are grown in California. They are used primarily to produce canned peaches and other processed peach products.

Our industry's three principal products -- canned peaches, canned fruit mixtures, and frozen peaches -- are import-sensitive and have been exempt from AGOA duty-free treatment since AGOA's inception in 2000. Today, U.S. imports from South Africa -- the AGOA country of concern -- are subject to the U.S. MFN duties of 17% on canned peaches, 14.9% on canned fruit mixtures, and 14.5% on frozen peaches.

My message today is straight forward - - U.S. imports of canned peaches, canned fruit mixtures, and frozen peaches from South Africa should remain subject to the U.S. MFN duties. There is no economic or other reason for extending one-way duty-free preferences to South Africa on these three import-sensitive products. South Africa is a leading canned peach producer and exporter, and is one of the five BRICS countries. It is no coincidence the EU has a FTA with South Africa and no longer grants that country one-way trade preferences.

You have our detailed written submission describing our industry's import-sensitivity and our concern over competition from South Africa. Let me highlight a few of the particulars.

In all past GSP reviews, including requests for duty-free treatment made by South Africa; the 2000 AGOA review; and in multilateral and bilateral trade agreements relating to tariffs, the U.S. government has accorded canned peaches, canned fruit mixtures, and frozen peaches import-sensitive treatment. All three products are also on the 2002 Trade Promotion Authority list of import-sensitive U.S. agriculture products and are covered as well by the import-sensitive provisions of the recently introduced Bipartisan Congressional Trade Priorities Act of 2014.

Our industry sells over 90% of its canned peach, canned fruit mixture, and frozen peach production in the U.S. market. The market here is mature, and demand is stable.

Our near-exclusive reliance on the U.S. market is not a path we chose. As some of you know from our prior efforts, our market decline is the result of 30 years of severe market disruption from heavy European canned fruit subsidies and, more recently, heavy Chinese canned fruit subsidies. In the 1980's and 1990's, EU subsidies destroyed our profitable export business in the EU and Japan, and shrank our U.S. sales as well. Then, six years ago, China emerged, almost overnight, as the largest global producer and exporter of canned peaches, including to the U.S. market. As in the EU, China's canned peach industry rose to the top not because of quality or efficiency, but because of substantial national and local subsidies.

The concerning market circumstances that justified our original AGOA exemptions have only gotten worse. Total U.S. imports of canned peaches have increased by as much as 20% since 2000, but U.S. demand has stayed essentially constant, and our exports have fallen. We now export only to Canada and Mexico where NAFTA tariff preferences help keep us competitive, at least for now.

Although California produces the highest quality canned peach products in the world, every U.S. import means a lost U.S. sale because of price. Canned peaches are a product where low price almost always wins over quality and brand loyalty.

Although China's presence in the U.S. canned peach market has somewhat overshadowed the effect of other foreign suppliers, including South Africa, U.S. imports from South Africa at any level displace U.S.-origin sales, help depress the U.S. market price, and hurt our growers, who have no opportunity to recoup their lost U.S. sales through exports.

South Africa is no newcomer to the canned peach industry. It is the second most dominant producer in the Southern hemisphere. In the industry's own words, it is "well-established, [with] reliable supply and quality," [a] "strong manufacturing capability with world class standards," "export-oriented" with "85% of its production exported," and it has "premium quality producers [with] strong and reputable brands." It exports to Europe under a reciprocal FTA arrangement. It also ships to Australia, where its canned peaches are facing import relief investigations because of their low price, and to Japan, Hong Kong and Russia. Its industry is highly developed.

According to U.S. government sources, South African producers are planting two new varieties of peaches that are high-yielding and excellent for canning -- an indication that South Africa's industry is commercially vibrant and has a global expansion plan.

Like the U.S. industry, South Africa sells choice-quality canned peaches and canned fruit mixtures. In the U.S. market, its sells to both the consumer and institutional markets -- meaning it competes head-to-head with our products. Its industry has a cost advantage, though. Its processors pay about one-third less for their raw peaches than we do. The minimum wage for farm labor in South Africa is $10.00 a *day* versus $9.00 an *hour* in California. The lower production costs allow South African producers to sell in the U.S. market at prices below our prices and still be profitable.

We have heard from our South African competitors that they would be much "more competitive in the U.S. market with China and the EU" if they didn't pay the substantial U.S. tariffs. They have warned us they will "ship more canned peaches to the United States" if U.S. canned peach tariffs are eliminated.

South African producers do not need, and should not have, U.S. tariff elimination. Given their advanced, high-quality, low cost product, U.S. duty elimination will only transfer U.S. market share and U.S. sales to South Africa. Since 2000, we have lost nearly 250 growers and a major U.S. canned fruit processor. U.S. canned peach bearing acreage has been reduced by about 30% to its lowest level in more than fifty years. Total U.S. cling peach production has fallen by 20%. At substantial cost to our growers, we have taken steps to offset imports by pulling planted acreage. Just this year, we have finally gotten supply and demand in line, but the situation is unstable and can easily be reversed by South Africa and other suppliers.

Mr. Chairman, Members of the Commission, we see no valid economic or policy justification for expanding AGOA benefits to cover highly-competitive, low-cost South African canned peaches, fruit mixtures, and frozen peaches. AGOA should not be about benefitting an already-advanced South African canned peach industry at the expense of U.S. producers. We therefore ask you to reconfirm the import-sensitivity of our three cling peach products to imports from South Africa.

This concludes my testimony. I am happy to answer questions from the Commissioners and staff.

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USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

Voluntary _ Public

Date: 12/21/2012

GAIN Report Number: 12078

China - Peoples Republic of

Post: Beijing

Canned Deciduous Fruit Annual

Report Categories:

Canned Deciduous Fruit

Approved By:

Ralph Bean

Prepared By:

Ryan Scott, Freddie Xu, and Wu Bugang

Report Highlights:

Weak world demand and high stocks depressed China's canned fruit production in MY 2012/13 (June-May), causing peaches to fall seven percent to 420,000 metric tons (MT) and pears to fall fifteen percent to 68,000 MT. Similarly, China's exports of canned peach and pear products are forecast down to 130,000 MT and 48,000 MT, respectively, from the previous year. China's consumption of canned peaches for MY 2012/13 is forecast to increase as imported canned peaches are becoming popular in China's growing bakery industry. The United States, South Africa and Greece are major sources of canned peaches to China.

Production:

Canned peaches

The Office of Agricultural Affairs (OAA/Beijing) forecasts that China's canned peach production in MY 2012/13 (June-May) will decline by seven percent to 420,000 metric tons (MT) from the revised MY 2011/12 estimate of 450,000 MT, largely due to carryover stocks and weak demand from major export markets. Reduced demand from canning facilities has weakened grower prices compared to last year (see Price section). Although China's yellow peach acreage remains stable, the industry is concerned that continued low prices may cause the loss of peach orchard acreage as farmers switch to more profitable crops.

In addition to lower prices, rising annual input costs of 10-15 percent are another concern for the industry. To address these issues, canneries are mechanizing operations such as washing, sorting and pealing, to replace workers and reduce costs. Furthermore, canned fruit enterprises are seeking new investment through overseas partners, building new processing facilities in locations with lower costs and developing regional brands and distribution networks to capitalize on positive canned fruit consumption trends.

Major peach canneries enter into production contracts with producers. These contracts may provide for the provision of technical and input support and establish a guaranteed purchase price provided the commodities meet the company requirements.

Canned pears

Sluggish demand in key export markets will negatively impact China's canned pear production in MY 2012/13 (June-May), down 15 percent to 68,000 MT. Less than one percent of China's fresh pear production is processed into canned products, and more than 70 percent of canned pears are exported. (See Exports)

Prices

Weak export demand in MY2012/13 has reduced cannery purchases of domestic peaches and dropped farm-gate prices 40 percent compared to record high export prices of $1,315 per ton in MY2011/12. During the beginning months of MY2012/13 (starting June 2012), export prices declined from 1,458 per ton to $1,239 in October 2012.

Consumption:

Canned yellow peaches are China's most popular canned fruit. Its consumption trend remains on the rise, albeit leveling somewhat in MY 2011/12, as soaring production costs (including raw fruit, labor, and sugar) pushed retail prices up by 20 percent in MY 2011/12. Consumption forecasts for MY 2012/13 are expected to increase as imported canned peaches are becoming popular in China's growing bakery industry (see Imports).

Consumption of canned pears is also on the upswing, but at a much slower pace. With the exception of canned yellow peaches, consumers prefer to eat fresh deciduous fruits as they believe canned fruit contains harmful preservatives. To overcome this hurdle, some canneries have developed new plastic packaging options and developed new marketing vehicles such as online stores to boost consumption.

Trade:

Imports

OAA/Beijing forecast China's canned peach imports in MY 2012/13 at 12,000 MT, up 16 percent from the previous year, due to strong demand from China's baking industry. Compared with domestically-produced canned yellow peaches, imported peaches feature a firm texture and bright yellow color which are attractive attributes to the baking industry. In addition, rising production costs in China have narrowed China's canned yellow peach price advantage over imported peaches. The United States, South Africa and Greece are major sources of canned peach imports.

Exports

OAA/Beijing estimates that China's canned peach exports in MY 2012/13 will fall to 130,000 MT, down eight percent from the previous year, due to reduced demand from major international buyers like the United States. China's canned peach exports to the United States, its largest buyer, dropped by 15 percent in MY 2011/12. Japan, the largest buyer of Chinese canned white peaches, may also reduce purchases from China due to unfulfilled purchase orders from MY 2011/12 which will likely lower demand in MY 2012/13.

Canned pear exports are forecast at 48,000 MT in MY 2012/13, down four percent from the previous year, largely due to shrinking demand from the United States, the largest buyer of China-origin canned pears. U.S. canned pear import volume from China has been declining over the past six years, from 35,458 MT in MY 2006/07 to 23,070 MT in MY 2011/12.

Policy:

Government support for canned fruit production differs among provinces. Some provincial governments may subsidize equipment purchases of leading agro-businesses. State-owned banks may subsidize loans for canneries to purchase fruit from farmers. Local governments may subsidize the construction of demonstration farms/orchards. In Anhui province, for example, a major cannery has turned its contracted orchards into a demonstration farm based on Good Agricultural Practices (GAP) guidelines for which the provincial government reimbursed half of the company's investment.

Marketing:

More on Pricing:

In supermarkets and hyper-markets, competing domestic canned fruit brands are similarly priced, but imported canned fruit is priced approximately 50-400 percent higher than domestic counterparts due to high import costs (tariff rate is 10 percent, and value added tax is 17 percent). Competition with higher quality imported products has caused some domestic canneries to produce higher quality canned fruit at relatively cheaper prices.

Packaging:

Packaging plays a very important role in marketing canned fruit products. Chinese consumers traditionally inspect fruit products before making purchases, so canneries often place their canned fruit in transparent glass or plastic jars to facilitate visual inspection. In addition, transparent containers distinguish their products from canned products which have a negative impression with Chinese consumers. The food service sector (e.g. restaurants), however, still purchases both domestic and imported canned fruit. As shown in the table below, each form of packaging has its pros and cons.

Comparison of Different Packages

	Tin Cans	Glass Jars	Soft Cans
Ease of transportation	Yes	No	Yes
Ease for consumer inspection	No	Yes	Yes
Facilitates conservation	Yes	No	No

Distribution:

Imported canned peaches, pears, and apricots are primarily purchased by the Chinese baking industry because of their superior taste, uniform shape and firm texture. Premium bakery shops often garnish bakery items with canned sliced fruit. Sales of imported canned peaches, pears and apricots through high-end retail channels are primarily to expatriate and wealthy Chinese consumers.

Promotion

Chinese canneries are very optimistic about the untapped opportunities in the domestic market and plan to broaden their consumer base beyond the wealthy. Industry marketing efforts focus primarily on northeast China, which has a high consumption of canned fruits. Billboards, bus advertisements, and free tastings are common promotional tools. As domestic retail channels can involve high slotting fees and marketing budgets, some leading canneries are pursuing niche markets in the food service sector, such as four and five star hotels, VIP clubs and karaoke bars.

Opportunities and Challenges

Industry experts believe consumption of locally produced and imported canned yellow peaches shows the strongest potential amongst canned fruits, with baking industry demands playing a key role in the growth rate, with consumption of other canned fruits likely to grow at a slower level. The industry must overcome consumer resistance to canned fruits and continue efforts to promote them as a healthy alternative to fresh fruit.

Production, Supply and Demand Data Statistics:

Canned Peaches

Peaches, Canned China	2010/2011		2011/2012		2012/2013	
	Market Year Begin: Jun 2010		Market Year Begin: Jun 2011		Market Year Begin: Jun 2012	
	USDA Official	New Post	USDA Official	New Post	USDA Official	New Post
Deliv. To Processors	555,000	555,000	600,000	675,000		540,000
Beginning Stocks	17,000	17,000	0	0		28,249
Production	370,000	370,000	400,000	450,000		420,000
Imports	7,651	7,651	9,000	10,362		12,000
Total Supply	394,651	394,651	409,000	460,362		460,249
Exports	139,001	139,001	130,000	142,113		130,000
Domestic Consumption	255,650	255,650	279,000	290,000		330,249
Ending Stocks	0	0	0	28,249		0
Total Distribution	394,651	394,651	409,000	460,362		460,249

Canned pears

Pears, Canned China	2010/2011		2011/2012		2012/2013	
	Market Year Begin: Jun 2010		Market Year Begin: Jun 2011		Market Year Begin: Jun 2012	
	USDA Official	New Post	USDA Official	New Post	USDA Official	New Post
Deliv. To Processors	124,800	124,800	123,200	128,000		108,800
Beginning Stocks	0	0	0	0		7,378
Production	78,000	78,000	80,000	80,000		68,000
Imports	164	164	175	163		120
Total Supply	78,164	78,164	80,175	80,163		75,498
Exports	57,126	57,126	52,000	49,785		48,000
Domestic Consumption	21,038	21,038	25,000	23,000		25,000
Ending Stocks	0	0	0	7,378		2,498
Total Distribution	78,164	78,164	80,175	80,163		75,498

Harmonised Trade - Imports (Monthly)
Spain
Fruit; peaches, including nectarines, prepared or preserved in ways n.e.c. in heading no. 2007 and 2008, whether or not containing added sugar, other sweetening matter or spirit

	Quantity	Cost including insurance and freight	Value for duty	CIF/KG	VFD/KG
2017M01	16,646	33,457	29,070	2.01	1.75
2017M02	17,331	15,028	9,210	0.87	0.53
2017M03	16,706	32,221	28,024	1.93	1.68
2017M04	0	0	0		

Table information:
Units:
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Value for duty: Dollars, Magnitude = Units (in 1s)

Footnotes:

Quantity unit:
Code 2008700900: Kgms

Data is provisional for the three most recently released months.
Aggregated Harmonised System (HS) codes may include confidential 10 digit codes, in which case the summed data will exclude the confidential value(s).
All dollar values are in New Zealand dollars unless otherwise stated.
For more information, please see www.stats.govt.nz/trade

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Source: Statistics New Zealand
Contact: Information Centre
Telephone: 0508 525 525
Email:info@stats.govt.nz

Harmonised Trade - Imports (Monthly)
Spain
Fruit; peaches, including nectarines, prepared or preserved in ways n.e.c. in heading no. 2007 and 2008, whether or not containing added sugar, other sweetening matter or spirit

	Quantity	Cost including insurance and freight	Value for duty
2016M01	16,874	35,152	29,595
2016M02	0	0	0
2016M03	0	0	0
2016M04	0	0	0
2016M05	0	0	0
2016M06	0	0	0
2016M07	0	0	0
2016M08	0	0	0
2016M09	0	0	0
2016M10	72	147	128
2016M11	0	0	0
2016M12	0	0	0

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Harmonised Trade - Imports (Monthly)
China, People's Republic of
Fruit; peaches, including nectarines, prepared or preserved in ways n.e.c. in heading no. 2007 and 2008, whether or not containing added sugar, other sweetening matter or spirit

	Quantity	Cost including insurance and freight	Value for duty
2000	69,893	118,778	105,875
2001	36,972	59,667	52,031
2002	137,733	81,601	58,979
2003	794,068	888,199	792,754
2004	2,024,902	2,594,185	2,303,148
2005	1,839,840	2,524,929	2,260,228
2006	2,775,330	4,486,392	4,043,459
2007	3,547,666	5,042,759	4,620,409
2008	2,240,931	3,744,244	3,439,739
2009	2,167,838	3,975,632	3,736,826
2010	1,731,747	2,959,282	2,748,866
2011	1,346,163	2,498,648	2,323,424
2012	1,122,617	2,270,770	2,144,824
2013	1,153,215	2,250,988	2,126,818
2014	1,294,395	2,462,288	2,348,076
2015	1,667,221	3,698,482	3,568,812
2016	1,189,840	2,787,512	2,699,633

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Footnotes:
Year ended December

Quantity unit:
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Harmonised Trade - Imports (Monthly)
South Africa
Fruit; peaches, including nectarines, prepared or preserved in ways n.e.c. in heading no. 2007 and 2008, whether or not containing added sugar, other sweetening matter or spirit

	Quantity	Cost including insurance and freight	Value for duty
2000	90,806	187,243	163,282
2001	86,355	154,973	146,546
2002	54,273	83,787	78,886
2003	41,586	55,356	50,475
2004	141,062	207,045	189,509
2005	63,636	88,544	79,688
2006	78,254	113,990	104,345
2007	127,411	204,000	194,195
2008	1,108,830	2,610,362	2,448,908
2009	1,189,749	2,634,397	2,495,574
2010	2,278,301	5,356,384	5,117,091
2011	1,485,165	3,267,125	3,135,313
2012	1,763,269	3,635,367	3,473,651
2013	2,843,955	5,468,923	5,197,063
2014	2,197,351	3,949,836	3,736,833
2015	2,418,352	5,515,304	5,231,412
2016	2,841,278	5,827,615	5,537,522

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Year ended December

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Harmonised Trade - Imports (Monthly)
China, People's Republic of

	Fruit; pears, prepared or preserved in ways n.e.c. in heading no. 2007 and 2008, whether or not containing added sugar, other sweetening matter or spirit			Fruit; apricots, prepared or preserved in ways n.e.c. in heading no. 2007 and 2008, whether or not containing added sugar, other sweetening matter or spirit			Fruit; mixtures (other than those of subheading no 2008.19), prepared or preserved in ways n.e.c. in heading no. 2007 and 2008, whether or not containing added sugar, other sweetening matter or spirit, n.e.c.		
	Quantity	Cost including insurance and freight	Value for duty	Quantity	Cost including insurance and freight	Value for duty	Quantity	Cost including insurance and freight	Value for duty
2016M05	28,384	56,537	55,144	17,028	24,958	24,260	213,190	415,334	404,168
2016M06	34,986	102,183	97,560	26,673	47,314	46,044	157,625	327,943	319,732
2016M07	54,449	109,460	106,718	29,382	40,893	39,751	101,876	198,364	193,825
2016M08	23,577	73,208	71,139	28,692	34,448	33,418	97,184	198,488	192,394
2016M09	8,162	27,060	26,375	24,174	27,559	26,568	56,958	107,804	104,794
2016M10	42,482	104,903	99,453	4,986	6,832	6,581	81,939	160,506	155,748
2016M11	29,315	73,982	71,869	33,474	42,390	41,331	64,054	117,867	114,486
2016M12	13,687	40,525	39,527	25,092	29,681	28,538	81,629	138,504	134,063
2017M01	89,401	202,092	197,130	41,020	54,323	52,710	85,631	203,192	196,115
2017M02	110,504	209,722	202,005	23,440	33,851	32,618	104,770	205,772	198,270
2017M03	23,536	58,494	54,441	58,120	70,745	68,263	98,388	182,296	177,160
2017M04	28,083	68,758	66,373	7,056	9,809	9,493	64,999	128,934	124,650
	486,566	1,126,924	1,087,734	319,137	422,803	409,575	1,208,243	2,385,004	2,315,405
VFD/KG			2.24			1.28			1.92

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