

New Zealand Customs Instructions

Canned Peaches from Greece

MBIE/AD/R/2020/003

Date: 28 April 2021

1. Introduction

These Customs instructions replace all previous instructions concerning canned peaches from Greece. Any queries concerning these instructions should be directed to the Trade and International team of the Ministry of Business, Innovation and Employment (MBIE). Contact details are given at the end of these instructions.

Anti-dumping duties were first imposed on imports of canned peaches from Greece in 1998. The anti-dumping duties have been subsequently reviewed several times.

In stage 1 of a full review, following a report from MBIE, the Minister of Commerce and Consumer Affairs (the Minister) determined on 28 January 2021 that the continued imposition of anti-dumping duties was necessary to offset dumping, and that material injury to an industry would be likely to recur if the duty expired or were otherwise removed or varied. A rate of anti-dumping duty of 34 per cent was determined by the Minister, pending the outcome of stage 2 of the review (the public interest test).

On 27 April 2021, the Minister determined in stage 2 of the review that continuing to impose anti-dumping duties on imports of canned peaches is in the public interest.

Anti-dumping duty at the rate of 34 per cent will now be imposed from the day after the date of the Minister's determination, namely from 28 April 2021. This rate of anti-dumping duty replaces the anti-dumping duties in place since the previous review and reassessment in 2015.

2. Goods Subject to Anti-Dumping Duties

Description

Peaches (halves, slices or pieces) packed in retail size cans.

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.

Country of Origin

The country of origin of the subject goods is Greece.

3. Anti-Dumping Duties

Description

The anti-dumping duties are imposed in the form of an ad valorem (percentage) rate, where the amount of anti-dumping duty payable is the Customs value for duty (VFD) multiplied by the percentage rate.

Rates of Duty

The anti-dumping duty rate is as follows:

Greek producers	Goods	Duty
All suppliers	All subject goods	34%

Method

All imports of retail size cans from all suppliers from Greece, fitting the goods description set out above in section 2, shall be charged an ad valorem (percentage) rate of 34% when entering for home consumption.

4. Notes

General

An ALERT is in place for Tariff Item and Statistical Key 2008.70.09 00L and country of origin Greece.

Goods Description

The imported goods subject to anti-dumping duty are:

Peaches (halves, slices or pieces) packed in retail size cans.

This description includes any concentration of sweetness in the medium found in the can and therefore covers mediums containing both natural and artificial sugars. It therefore includes 'lite' styles of peaches and those in fruit juice as all these styles contain some amount of sweetness in the medium. Peaches in containers other than cans are not covered by the description.

The goods covered by the description above include can sizes ranging from 110 grams to A10 cans (nominal weight 3 kilograms).

The table given below shows the nominal size and the industry descriptions of the common can sizes falling within the description of goods. This list is not exhaustive and peaches may be imported in can sizes other than those listed.

The following points should be noted:

- Cans with a nominal net weight outside of the range specified in the above goods description, i.e. cans of a size greater than A10 (nominal size 3 kilograms) are excluded from the determination. These goods are therefore not subject to anti-dumping duty.
- A10 size cans may be shown with a nominal weight of up to 3060gms (3.06kgs). These cans are included in the determination and anti-dumping duty should be collected.
- Canned peach styles other than halves, slices and pieces are excluded from the determination and are not subject to anti-dumping duties. Other styles may include peach pulp.
- Peaches packed other than in cans are not covered by the determination and are not subject to anti-dumping duty. These may include for example, frozen peaches in solid pack cartons and peaches packed in plastic pottles.

Industry Descriptions

Canned peaches of the kind subject to anti-dumping duties may be invoiced according to either net weight or standard can sizes, e.g. 410gm or N1M. Nominal industry standard weight equivalents are shown below.

Nominal Weight/Contents	Standard Can Description
410 gm	N1M or No.1m
825 gm	A2.5 or A22
3 kg	A10

Invoiced Currency

As noted above, in normal circumstances the subject goods from Greece are invoiced in EUR. The EUR invoice should therefore be converted to NZD using the NZCS exchange rate applicable on the date of importation for the purposes of calculating anti-dumping duty. Invoices in other currencies should also be converted to NZD accordingly.

5. Further Information

Should you have any queries regarding the operation of the anti-dumping duties described in these instructions please contact the Trade Remedies as shown below:

Contacts for this investigation: Mike Andrews and Faith Zimunya
Direct Telephone: +64 4 495 1267 or +64 4 897 5062
Email: traderemedies@mbie.govt.nz