

New Zealand Customs Instructions

Preserved Peaches from Spain

MBIE/AD/R/2021/002

February 2022

1. Introduction

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

The Minister of Commerce and Consumer Affairs (the Minister) first imposed anti-dumping duty on imports of preserved peaches from Spain in 2011. A review of the continued need for the imposition of duty, carried out in 2016, resulted in the termination of the anti-dumping duty with effect from 23 February 2017. This decision was challenged through judicial review, and the High Court quashed the Minister's decision and directed MBIE to reconsider its review. New rates of anti-dumping duty were established in August 2019 as a result of that reconsideration and are currently in place.

In August 2021, MBIE started a full review of the continued need for anti-dumping duty with existing rates of anti-dumping duty continuing to apply.

Stage 1 of the full review has found that goods from the Spanish producer, Alcornia Alimentacion SL (Alcornia) are not dumped but that there is a likelihood that dumping by other suppliers could recur.

The Minister, on 21 February 2022, decided that the duty in respect of the Spanish producer Alcornia should be terminated. For other producers, the current duty rates will continue until the conclusion of Stage 2 of the full review, when further, updated, instructions will be provided.

The amended anti-dumping duty rates (listed below) should apply from the day after the Minister signs the *Gazette* notice notifying the termination of anti-dumping duties in respect of Alcornia.

2. Goods Subject to Anti-Dumping Duty

Description

The goods subject to anti-dumping duty are:

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

Refer to [notes](#) below for further comment.

Country of Origin

The country of origin of the subject goods is Spain.

3. Anti-Dumping Duty

Description

Anti-dumping duty is imposed in the form of ad valorem (percentage) rates for all Spanish producers, except Alcornia and Conservas El Navarrico. The amount of anti-dumping duty payable is the Customs value for duty (VFD) in New Zealand dollars multiplied by the percentage rate.

Rates of duty

The rates of duty to be applied for the period of the stage 2 investigation are set out for each supplier in Table 1 below.

Table 1

Spanish Producer	Ad Valorem Rates
Alcornia Alimentacion SL	No duties
Conservas El Navarrico	No duties
Other subject goods	7.9%

Method

Alcornia Alimentacion and Conservas El Navarrico

All imports of preserved peaches from Alcornia Alimentacion SL and Conservas El Navarrico shall enter for home consumption free of anti-dumping duties.

Other Producers

All imports of goods described in section 2 above, other than from the above-named producers (that is, all imports of preserved peaches from all other producers from Spain), fitting the goods description set out in section 2 above, shall be charged an *ad valorem* (percentage) rate of 7.9% when entering for home consumption. This is calculated as **7.9% of the VFD.**

4. Notes

General

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

Goods Description

The goods covered by the description given above are

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

The following points should be noted:

- The 4.0kg weight limit refers to the *net* weight of the preserved fruit and the preserving medium in the container i.e. it includes the contents of the container only (and not the weight of the actual container). Therefore, preserved peaches with a net weight outside of the range specified in the above goods description, i.e. containers of a size greater than 4.0kg (net) are excluded and are not subject to anti-dumping duty. The goods description covers any kind of container, including cans, jars, etc.
- Preserved peaches are normally packed in various “liquid” media such as syrup, light syrup or fruit juice. Peaches preserved in a jelly are not preserved in a liquid, as a jelly is not a liquid at room temperature. Preserved peaches in jelly have therefore been excluded from the determination and are not subject to anti-dumping duty.

- Frozen or freeze-dried peaches not covered by the determination, and therefore not subject to anti-dumping duties.
- Peach pulp and puree are also excluded from the determination and are not subject to anti-dumping duties.

Producers

The supplier named in Customs import entries may differ from the Spanish producer (e.g., may be an intermediary trader), so you will need to identify the Spanish producer. Note that the stated rate applies to imports through the Spanish producer, which may not be the same as the supplier.

5. Further Information

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

Contact for this investigation:	Mike Andrews or Faith Zimunya.
Direct Telephone:	(04) 495 1267 or (04) 897 5062
Email:	traderemedies@mbie.govt.nz