



Trade (Anti-dumping and Countervailing Duties) Act 1988

Dumping Investigation

Preserved Peaches from China

Step 2 Investigation Framework

February 2026

MBIE/AD/I/2025/001

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1. Introduction

1.1 Purpose

1. The Ministry of Business, Innovation and Employment (MBIE) is conducting a dumping investigation of imports of preserved peaches from the People's Republic of China (China). The investigation is being conducted under the Trade (Anti-dumping and Countervailing Duties) Act 1988 (the Act). This framework outlines MBIE's approach for carrying out investigation Step 2.
2. This Step 2 Investigation Framework (Framework) provides information about:
 - The background to the investigation (Section 1)
 - The context for investigation Step 2 investigation (Section 2)
 - How to lodge a submission (Section 3)
3. A Step 2 Questionnaire is provided as a separate document which asks for information to assist MBIE in undertaking the investigation and provides the basis for a submission.
4. Step 1 of the investigation is complete, and the Minister has determined that, in relation to imports from China produced by J&G International Food Co. Ltd (J&G International) were dumped and material injury to an industry, Heinz Watties Limited (HWL), has been and is being caused because of the dumping. Consequently, the Minister has determined the rates of the anti-dumping duties in accordance with the Act and directed MBIE to start a step 2 investigation.
5. The Minister also determined that imports from China supplied by all other producers were not dumped. Consequently the investigation in relation to these goods was terminated under section 11(1) of the Act.
6. A step 2 investigation under the Act requires MBIE to investigate whether the imposition of the duties determined by the Minister on imports produced by J&G International is in the public interest. In accordance with section 10F(2) of the Act, the imposition of the duties is in the public interest unless the cost to downstream industries and consumers of imposing the duty is likely to materially outweigh the benefit to the domestic industry of imposing the duty.

1.2 Proceedings

7. On 2 December 2024, MBIE received an application from Heinz Wattie's Ltd (HWL), the sole entity in the New Zealand preserved peach industry, seeking an investigation into the alleged dumping of preserved peaches from China.
8. On 15 July 2025, pursuant to section 10A(1) of the Act, MBIE started an investigation on the basis that the application contained sufficient evidence to justify the need to investigate.
9. On 10 December 2025, MBIE provided the notified parties with the EFC Report for investigation Step 1 and invited them to provide comments. Comments were received from one party – HWL. The EFC report set out the essential facts and conclusions that are likely to form the basis for a determination by the Minister under section 10D(1) of the Act, as required by section 10C(2) of the Act.
10. On 23 January 2026, the chief executive reported the findings of the step 1 investigation to the Minister, in accordance with Section 10C(5) of the Act. The Step 1 Final Report will be available shortly on [MBIE's website](#).
11. On 31 January 2026, the Minister made Step 1 final determinations discussed in section 1.1 above. The Gazette notice setting out these determinations is available on the [New Zealand Gazette website](#).
12. Investigation Step 2 commenced on 1 February 2026. Notice was provided via [Gazettal](#).

2. Investigation Step 1

2.1 Subject Goods

13. The imported goods that are the subject of the investigation (the subject goods) are described as:

Peaches in preserving liquid, in containers up to and including 5.0kg

14. The subject goods are classified under New Zealand Customs tariff item No. 2008.70.09 and statistical key 00L as below. This tariff classification is provided for convenience and Customs' purposes only, the written description being dispositive.

Fruit: peaches, including nectarines, prepared or preserved in ways not elsewhere classified in heading numbers 2007 and 2008, whether or not containing added sugar, other sweetening matter or spirit

15. Note this key also includes goods which are excluded from the investigation, namely goods such as preserved nectarines (including nectarine pulp or puree), preserved peaches suspended in jelly, mixes of fruit, dried peaches, and preserved peaches in containers exceeding 5.0 kg.

2.2 Imports of subject goods

16. MBIE has analysed import data from Customs and has calculated the import volumes of subject goods over the period between 1 July 2024 and 31 June 2025. The analysis shows that, China was a significant exporter of canned peaches to New Zealand (by quantity) during this period.

2.3 Like goods and New Zealand industry

17. Section 3A of the Act provides that for the purposes of the Act, the term **industry**, in relation to any goods, means:

- a. the New Zealand producers of like goods, or
- b. such New Zealand producers of like goods whose collective output constitutes a major proportion of the New Zealand production of like goods.

18. MBIE is satisfied in terms of section 3A of the Act that HWL is the only New Zealand producer of like goods and that HWL therefore constitutes the New Zealand industry for the purpose of this investigation.

19. Section 3(1) of the Act defines **like goods**, in relation to any goods, as:

- a. other goods that are like those goods in all respects, or
- b. in the absence of goods referred to in paragraph (a), goods which have characteristics closely resembling those goods.

20. To determine whether the goods produced in New Zealand are like goods to the subject goods, MBIE normally considers physical characteristics, function and usage, pricing patterns, marketing and any other relevant considerations, with no one of these factors being necessarily determinative.

21. Taking these factors into account, MBIE considers that HWL produces like goods to the goods imported from China. This is because, while the goods produced by HWL may not be identical in all respects to the subject goods, they have characteristics closely resembling the subject goods.

2.4 Interested parties

22. Interested parties are those parties who have an interest in the investigation and may provide information to defend their interests. Interested parties include "notified parties" under the Act, which are defined as the Government of the country of export; exporters and importers known to have an interest in the goods; and the applicant in relation to the goods. Section 3E of the Act sets out the provisions relating to the giving of notice and written advice to notified parties.

New Zealand industry

23. The application for an investigation was submitted by HWL – a limited liability company and subsidiary of H.J. Heinz Company (New Zealand) Limited, and ultimately held by The Kraft Heinz Company, an entity incorporated in the United States. MBIE considers HWL, as the sole New Zealand producer of like goods, to constitute the New Zealand industry for this investigation.

Foreign Producers

24. MBIE identified 28 Chinese manufacturers exporting the subject goods to New Zealand during the POR(D). Of these, two manufacturers – Qingdao Countree Food Co Ltd (Countree Food) and Qingdao Medallion Food Co Ltd and its manufacturing arm Weifang Medallion Food Co Ltd (Medallion) participated in the investigation. One non-participating manufacturer – J&G International was also a significant exporter, exporting 20% of total subject goods from China during the POI(D).

Importers

25. MBIE provided the following New Zealand importers with questionnaires – these parties were either identified as importers of the subject goods through Customs NZ import data for the period ending 30 June 2025, or had participated in previous proceedings:

- Barkers Fruit Processors
- Simply Food Solutions Ltd (previously participating as Bidfood Ltd)
- Davis Trading Co Ltd
- Foodstuffs Own Brand Ltd (Foodstuffs)
- Woolworths New Zealand Ltd (Woolworths)

26. Of these importers, Simply Food Solutions Ltd, Davis Trading Co Ltd, Foodstuffs and Woolworths provided information.

Foreign Governments

27. MBIE has continued to notify the Government of China (GoC) of its progress.

2.5 Findings

28. During investigation Step 1 MBIE established individual dumping margins for preserved peaches produced by the two participating Chinese manufacturers and for J&G International (being the one additional manufacturer which individually accounted for over 5% of total exports from China during the POI(D)). MBIE also established an aggregated dumping margin for all other manufacturers.

29. MBIE found that, on the basis of the dumping margins and consideration of other relevant matters, that subject goods produced by J&G International were being, and that this dumping was causing material injury to the domestic industry. MBIE also found that other subject goods from China were not being dumped.

30. MBIE has reviewed other causes of injury and is satisfied that the likelihood of injury arising from other causes has not been attributed to the dumped goods.

31. On the basis of the above considerations, the Minister made the following Step 1 final determinations:

- Pursuant to section 10D(1) the Act, that preserved peaches exported by J&G International are being dumped, and that this dumping is causing material injury to the New Zealand industry. Consequently, pursuant to section 10D(2) of the Act the Minister determined an duty rate, and directed the chief executive to immediately start investigation step 2, in respect of these goods.
- Pursuant to section 10D(1) of the Act, the Minister determined that preserved peaches exported by all other Chinese producers are not being dumped, and therefore are not causing material injury to the domestic industry. Consequently, pursuant to section 10D(3) of the Act, the Minister terminated the investigation in respect of these goods, under section 11 of the Act.

Rate or amount of anti-dumping duty

32. The Minister determined the following *ad valorem* rates of duty (see table below) which will form the basis for this Step 2 investigation.

Figure 1: Determined rates of duty

Chinese Producer	Goods	Duty
J&G International Co. Ltd.	Peaches in preserving liquid, in containers up to and including 3.0kg	17.78%

33. It should be noted that the rates of duty shown above will not be applicable unless and until a determination has been made at the end of the step 2 investigation that the imposition of anti-dumping duties at these rates is in the public interest.

34. For completeness, MBIE notes that, in light of the Minister's negative Step 1 final determination above, all other imports from China are not subject to investigation Step 2.

3. Framework for a Stage 2 Investigation

35. This section of the Framework describes the basis for carrying out the step 2 investigation.

3.1 Legal Requirements

36. Section 10F of the Act provides:

- (1) *If the Minister directs the chief executive to start investigation step 2, the chief executive must investigate whether imposing an anti-dumping or a countervailing duty at the rate or amount determined under section 10D(2)(a) is in the public interest.*
- (2) *Imposing the duty is in the public interest unless the cost to downstream industries and consumers of imposing the duty is likely to materially outweigh the benefit to the domestic industry of imposing the duty.*
- (3) *In investigating whether imposing the duty is in the public interest, the matters the chief executive must investigate include the following:*
 - (a) *the effect of the duty on the prices of the dumped or subsidised goods;*
 - (b) *the effect of the duty on the prices of like goods produced in New Zealand;*
 - (c) *the effect of the duty on the choice or availability of like goods;*
 - (d) *the effect of the duty on product and service quality;*
 - (e) *the effect of the duty on the financial performance of the domestic industry;*
 - (f) *the effect of the duty on employment levels*
 - (g) *whether there is an alternative supply (domestically or internationally) of like goods available; and*
 - (h) *any factor that the chief executive considers essential to ensure the existence of competition in the market.*

37. MBIE can also investigate other matters that it considers necessary or that are raised by other parties.

38. Taking into account the factors above and in accordance with the legal requirements, for a step 2 investigation, MBIE must investigate whether imposing the duties determined by the Minister in step 1 is in the public interest.

Consumers and Downstream Industries

39. Section 17H(4) of the Act defines consumers and downstream industries:

consumers means—

- (a) *New Zealand consumers of—*
 - (i) *the dumped or subsidised goods; or*
 - (ii) *like goods; or*
 - (iii) *the other goods referred to in paragraph (a) of the definition of downstream industries; and*
- (b) *if the Minister considers it appropriate for the purposes of this section, any other relevant New Zealand consumers ...*

downstream industries means—

- (a) *each immediate downstream New Zealand industry that uses the dumped or subsidised goods, or like goods, as an input in the production of other goods; and*
- (b) *if the Minister considers it appropriate for the purposes of this section, any other relevant downstream New Zealand industry.*

3.2 Investigation Procedures

40. Sections 10G and 10H of the Act set out procedures that are to be followed in a step 2 investigation:

10G: Step 2 procedure

- (1) *The chief executive must, within 60 days after starting investigation step 2, give the notified parties written advice of the preliminary findings that are likely to form the basis for a determination to be made by the Minister under section 10H(1).*
- (2) *The chief executive must give all persons that the chief executive considers would be significantly affected by continuing to impose the duty a reasonable opportunity to present, in writing, all evidence relevant to the investigation and, on justification being shown, to present that evidence orally.*
- (3) *Subsection (1) does not require the chief executive to provide information that would not be available to an interested party under section 3F.*
- (4) *The chief executive must report the findings of investigation step 2 to the Minister.*

10H: Step 2 determination

- (1) *Within 90 days after the start of investigation step 2 (but not less than 30 days after the written advice is given by the chief executive under section 10G(1)), the Minister must determine whether imposing the anti-dumping or countervailing duty is in the public interest (see section 10F(2)).*
- (2) *The Minister must give notice of a determination under subsection (1) as soon as practicable after the determination is made.*

Affected Parties

41. MBIE considers that “all persons that the chief executive considers would be significantly affected by continuing to impose the duty” for the purposes of the current investigation include:

- Notified parties for investigation Step 1 as described in Section 2 of this Framework, namely the GoC, HWL, exporters and importers known to have an interest in the subject goods (this includes Chinese producers as exporters and importers from previous investigations);
- Consumers and consumer organisations as defined in section 10F(4) of the Act;
- Downstream industries as defined in section 10F(4) of the Act; and
- New Zealand distributors and retailers of preserved peaches and peaches products.

42. MBIE welcomes submissions from any other persons or entities who would be significantly affected by continuing to impose the duty, although it notes that its analysis of any submissions is bounded by the matters as set out in section 10F(2) of the Act.

Treatment of Information

Protection of information

43. Confidential information is defined in section 3F(5) of the Act:

In this section, confidential information means information about which the submitter of the information has shown a good reason for the chief executive to believe 1 or more of the following:

- (a) *that making the information available would give a significant competitive advantage to a competitor of the submitter of confidential information;*
- (b) *that making the information available would have a significantly adverse effect on—*
 - (i) *the submitter of confidential information; or*
 - (ii) *the person from whom the information was acquired by the submitter of the information; or*
 - (iii) *any person to whom the information relates;*
- (c) *that the information should be treated as confidential for reasons other than the reasons described in paragraphs (a) and (b).*

44. If a party requests that information be treated as confidential, or if a party considers that information it provides should be withheld by the chief executive if it were requested under the Official Information Act 1982 (OIA), MBIE asks that party to provide a non-confidential version, or a non-confidential summary of the information. If the information is not susceptible to summarisation, the party should provide an explanation of the reasons why not, and provide justification for the information being treated as confidential and/or identify the grounds under the OIA that might apply justifying withholding the information. Section 3F of the Act allows the chief executive to disregard any information for which a satisfactory non-confidential version (or summary or satisfactory statement of why such a summary cannot be given) is not provided.¹
45. Section 3F(1) of the Act provides that an interested party may ask the chief executive to provide it with copies of information relevant to trade remedy proceedings, but this provision does not apply to confidential information, or information that the Chief Executive would likely withhold if it was requested under the Official Information Act 1982.
46. MBIE has made available all non-confidential information via the public file for this investigation. Any interested party is able to request both a list of the documents on this file and copies of the documents on it.

Assessment of information

47. MBIE's approach to the assessment of information is founded on the relevant provisions of the Act and the AD Agreement, assisted by New Zealand case law and the interpretation of the AD Agreement provided in WTO dispute settlement proceedings where appropriate.
48. In an investigation, MBIE seeks and obtains information directly relevant to that proceeding where possible and satisfies itself as to the accuracy of the information provided. Such primary information includes questionnaire responses from interested parties; laws, regulations and other official documents; relevant WTO documents, such as notifications; Customs and statistical data; and other relevant data such as exchange rates, interest rates and prices. MBIE can use verification visits and the review of evidence available to substantiate the information provided by interested parties and to assess its reliability.

Reports

49. MBIE will release two reports during investigation Step 2:
 - A Public Interest Preliminary Findings Report (PIP Report)
 - A Step 2 Final Report
50. The PIP Report will present the preliminary findings that are likely to form the basis for the Minister's determination under section 10H(1). This will be provided to affected parties, in accordance with section 10G of the Act, and will allow them an opportunity to comment on these preliminary findings.
51. The Step 2 Final Report will take account of affected parties' comments on the PIP Report, and will provide the basis for advising the Minister whether the imposition of the anti-dumping duties at the determined rate is in the public interest.

3.3 Factors for Investigation

52. The framework proposed for this public interest investigation is based on the factors set out in section 10F(3) of the Act (i.e. whether the cost to downstream industries and consumers of imposing the duty is likely to materially outweigh the benefit to the domestic industry of imposing the duty) and includes investigation of the matters set out in section 10F(3).

¹ The AD Agreement adds the proviso, "unless it can be determined to their satisfaction from appropriate sources that the information is correct," and adds the footnote, "Members agree that requests for confidentiality should not be arbitrarily rejected."

(a) The effect of the duty on the prices of the dumped or subsidised goods

53. An assessment of consideration (a) may, to the extent appropriate, provide a discussion of any of the following matters:

- If duty has previously been imposed on the imported subject goods, an analysis of the extent to which the duty changed prices of the subject goods.
- If duty has previously been imposed on imported goods like the subject goods, but from a different origin, an analysis of the extent to which the duty changed prices of the like goods.
- The extent to which importers will likely pass on price increases from the duty to consumers and downstream industries.
- The extent to which downstream industries are likely to pass on price increases to their consumers.
- Whether prices are responding to normal price factors (such as input costs and currency fluctuations), or whether the market is partially monopolised, and pricing is therefore not adjusting.
- Any other matter considered to be relevant to the effect of the duty on the prices of the dumped or subsidised goods.

(b) The effect of the duty on the prices of like goods produced in New Zealand

54. An assessment of consideration (b) may, to the extent appropriate, provide a discussion of any of the following matters:

- If duty has been previously imposed on the imported subject goods, an analysis of the extent to which the prices of like goods produced in New Zealand changed as a result of the duty.
- If duty has been previously imposed on imported goods like the subject goods, but from a different origin, an analysis of the extent to which prices of like goods produced in New Zealand changed as a result of the duty.
- The extent to which the domestic industry is likely to change the price of like goods in response to a change in the price of imported goods.
- Whether domestic prices are responding to normal price factors (such as input costs and currency fluctuations), or whether the market is partially monopolised, and pricing is therefore not adjusting accordingly.
- The extent to which the dumped or subsidised goods and the like goods produced in New Zealand are perfect substitutes.
- Any other matter considered to be relevant to the effect of the duty on the prices of like goods produced in New Zealand.

(c) The effect of the duty on the choice or availability of like goods

55. An assessment of consideration (c) may, to the extent appropriate, provide a discussion of any of the following matters:

- The extent to which the non-imposition of duty is likely to result in a reduction in the availability of, or withdrawal of, like goods from the New Zealand market.
- The extent to which the non-imposition of duty is likely to result in the domestic industry reducing or ceasing its production of like goods for the New Zealand market.
- Likely market shares of imported and domestically produced goods before and after the imposition of duty.
- The extent to which like goods are likely to be able to be supplied from sources other than New Zealand.
- Any other matter considered to be relevant to the effect of the duty on choice or availability of like goods.

(d) The effect of the duty on product and service quality

56. An assessment of consideration (d) may, to the extent appropriate, provide a discussion of any of the following matters:

- Industry standards or international standards in place for the product or service.
- The extent to which market participants are producing or providing a product consistently meeting the quality required by the market.
- Whether market participants are consciously producing or providing products or services above the quality required by the market.
- The extent to which the quality of goods or services in the market could be lowered upon the imposition of duty, or without duty in place.
- Consumer preferences in relation to quality.
- Any other matter considered to be relevant to the effect of the duty on product and service quality.

(e) The effect of the duty on the financial performance of the domestic industry

57. An assessment of consideration (e) may, to the extent appropriate, provide a discussion of any of the following matters:

- The extent to which the imposition of duty would affect the financial performance of domestic producers.
- The extent to which the non-imposition of duty could be likely to result in the exit from the market of domestic producers.
- Whether the domestic industry has made any significant capital expansion investments recently that may help financial performance in the future.
- Whether any other market effects could arise from the imposition of duty, such as financial market effects, other than those intended by the imposition of duty.
- Any other matter considered to be relevant to the effect of the duty on the financial performance of the domestic industry.

(f) The effect of the duty on employment levels

58. An assessment of consideration (f) may, to the extent appropriate, provide a discussion of any of the following matters:

- The extent to which the imposition or non-imposition of duty would likely affect levels of employment in the domestic industry and in downstream industries.
- The extent to which labour is likely to be reallocated should there be any loss of employment.
- Any other matter considered to be relevant to the effect of the duty on employment levels.

(g) Whether there is an alternative supply (domestically or internationally) of like goods available

59. An assessment of consideration (g) may, to the extent appropriate, provide a discussion of any of the following matters:

- The extent to which the domestic industry is able to meet domestic demand.
- The extent to which the imported good is covering excess demand that the domestic industry is unable to supply.
- Whether there are alternative sources of supply, competitive in price and quality, capable of accommodating additional demand.

- Whether there are any technical specifications demanded by the domestic market that might restrict import possibilities.
- The extent to which there is a risk of monopolisation of the supply of goods to New Zealand.
- Whether there are non-price, non-supply factors to consider, such as contract terms, speed of delivery, etc.
- Any other matter considered to be relevant to whether there is an alternative supply (domestically or internationally) of goods available.

(h) Any factor that the chief executive considers essential to ensure the existence of competition in the market

60. An assessment of consideration (h) may, to the extent appropriate, provide a discussion of any of the following matters:

- The extent to which the current market conditions reflect a “typical market” for the good. This will consider whether the market is prone to large fluctuations in price, demand, or supply.
- The extent to which duty could lead consumers to purchase substitute goods, thus shrinking the market for the subject goods.
- The extent to which there are any complementary goods whose markets might be affected by a price increase in the affected goods.
- The extent to which there is a risk of monopolisation of the supply of goods in the New Zealand market.
- The extent to which it is in the interest of competition to maintain domestic production of this good.
- An assessment of the accessibility of the market to new entrants.
- Any existing protection of the domestic industry.
- Any other matter considered to be relevant to ensuring the existence of competition in the market.

Quantitative Assessment

61. In relation to factors (a), (b) and (e), the examination may be supported, to the extent practicable, by economic analysis using the Public Interest Partial Equilibrium Simulation Framework (PIPES framework).²
62. The PIPES framework has been designed by MBIE to analyse the potential economic impacts of the imposition, or continuation, of duty.
63. The PIPES framework is based on a two-stage analysis:
 - The first stage consists of a prediction of market outcomes: When a duty is imposed, what is the likely effect on the markets being analysed?
 - Once this has been estimated the analysis shifts to an assessment of the market outcome: How does the change in market outcomes affect parties?
64. If the sum of the impact on downstream industries and consumers materially outweighs the benefit to the domestic industry, this will be a partial indicator that imposing duties will not be in the public interest. This will then be considered in the context of the other mandatory considerations in section 10F(3) for the final determination under the Act.
65. MBIE may not use the PIPES model to assess the effect of the continued imposition of an anti-dumping duty on canned peaches within the scope of the present Stage 2 process, if the data provide by parties is not sufficient to undertake a quantitative assessment.

² Further information on the Public Interest Partial Equilibrium Simulation Framework (PIPES framework) is available at: <https://www.mbie.govt.nz/have-your-say/consultation-on-the-public-interest-test-for-dumping-and-subsidy-investigations/>

4. Lodging Submissions

66. MBIE welcomes submissions as part of the public interest investigation. Should you wish to make one, the **attached questionnaire** is designed to assist you. Below are some instructions on providing a submission.

Documentation to provide

67. Where information is provided, please also provide evidence in support of your response e.g. copies of invoices to support prices. Copies of original documents are satisfactory for questionnaire responses, but original source material for all documents submitted or relied upon in preparing your submission should be available in the event that MBIE may need to follow up in order to confirm or clarify the information.

Currency

68. Where information is provided related to pricing, please show all amounts in the currency originally denominated. Where any currency conversions are made, please indicate the exchange rate used and its source.

Confidential information

69. MBIE is required to ensure that all interested parties have a reasonable opportunity to access all non-confidential information used by MBIE in the investigation. Non-confidential information used in the investigation is contained on MBIE's Public File for this investigation, which is available for perusal or copying by any interested party to the investigation or member of the public.

70. Should you provide any information which is by nature commercially confidential (for example, because its disclosure would be of significant advantage to a competitor, or its disclosure would have a significantly adverse effect on the person supplying the information) or which is provided on a confidential basis, it will **upon good cause being shown** be treated as confidential by MBIE.

71. For any information that you request be treated as confidential please:

- **Provide a non-confidential version** (or a non-confidential summary of the information, or if you claim that the information is not susceptible to such a summary, a statement of the reasons why a summary is not possible). A non-confidential version should reproduce the original but have information considered to be confidential either omitted or summarised.
- Provide justification for the information being treated as confidential.

72. Section 3.2 above provides more detail about the treatment of information. If you have any questions about this, MBIE will be happy to assist.

Deadline for submissions

73. If you wish to provide a submission, including a non-confidential version and any supporting evidence, it should be received by MBIE no later than **23 February 2025** or earlier if possible. MBIE is working to a statutory deadline for the completion of this investigation and it is important that responses from interested parties are received by the due dates.

Further information

74. If you would like further information on anti-dumping investigations and reviews please see our website at [Trade remedy investigations | Ministry of Business, Innovation & Employment \(mbie.govt.nz\)](https://www.mbie.govt.nz/traderemedyinvestigations). Alternatively, please feel free to contact us at traderemedies@mbie.govt.nz.