



EUROPEAN COMMISSION

Directorate-General for Trade

Directorate H - Trade defence

Investigations IV Relations with third countries for Trade defence matters

Brussels, 15 November 2013

**SAFEGUARD INVESTIGATION BY THE AUSTRALIAN GOVERNMENT ON IMPORT OF
PROCESSED TOMATO AND FRUIT PRODUCTS**

Written submission of the European Commission

The European Commission welcomes the fact that the Australian authorities decided on 26 September not to impose provisional safeguard measures on imports of processed tomato and processed fruit products. Yet, the European Commission still considers that the Australian government should not have initiated these enquiries because the grounds for initiation were not solid enough.

Indeed, as confirmed by the recently issued accelerated reports on provisional measures, the absolute increase of imports is insufficient to satisfy the requirement under Article 2.1 of the Agreement on Safeguards. The Australian Productivity Commission could not demonstrate either the existence of causal link between the injury suffered by the domestic industry and imports.

The European Commission considers that the transcript of the public hearing held on 28 October in Melbourne and the post-accelerated report submissions do not provide any new argument that would challenge the preliminary conclusions reflected in the accelerated reports.

In the light of such clear findings, the European Commission is convinced that the imposition of definitive measures cannot be justified and therefore trusts the Australian authorities will terminate this investigation without measures.