



MOST URGENT
No. 0310/2640

Department of Foreign Trade
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17 July 2013

Dear Sir/Madam,

Subject: Initial Response Regarding the Initiation of Safeguard Investigation on Imports of Processed Tomato Products and Request for Non-Confidential Petition

The Department of Foreign Trade ("DFT") wishes to refer to the Notification G/SG/N/6/AUS/3 dated 28 June 2013 under Article 12.1(a) of the Agreement on Safeguards on Initiation of an Investigation on the imports of "Processed Tomato Products under HS Codes 2002.10.00.60" originating in various countries including Thailand into Australia.

As the Productivity Commission (PC) is aware, developing countries should be excluded from the possible imposition of measures under the requirements of article 9.1 of the Agreement of Safeguards. In this respect, the DFT requests clarification/ additional information as follows:

A) The investigation period which the PC will use to establish the 3 and 9 % threshold, whether it is based on the most recent year, or the average of the investigation period.

B) Would the PC kindly place on the public record of the investigation, import figures by supplying country and not just the total imports.

C) Would the PC kindly place on the record and/or provide the DFT with a copy of the non-confidential petition so that the DFT can carefully study the petition with a view to provide further comments.

Based on the figures available at the Thai Customs Department, the export volumes of processed tomato products under HS Code 2002.10.00.60 to Australia between 2008–2012 are as follows:

Unit: KG

Year	2008	2009	2010	2011	2012
processed tomato products (2002.10.00.60)	16,771	4	0	4,093	393

The above data shows that the export volumes of processed tomato products to Australia are insignificant. Especially, Thailand exported processed tomato products to Australia only 393 KG in 2012.

Based on the figures available from the Australia Bureau of Statistics, the import volumes of processed tomato products under HS Code 2002.10.00.60 from Thailand over the period 2008-2009FY¹ to 2011-2012FY are as follows:

Unit: KG

Year	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Total Import Volume	41,172,421	40,611,948	40,572,512	41,433,433	46,315,296
Thailand	0	16,771	0	2,058	0
Percentage	0.00%	0.04%	0.00%	0.005%	0.00%

The above data shows that the import volumes of processed tomato products from Thailand are well below 3 % with no imports in 2007-2008FY 2009-2010FY and 2011-2012FY.

With regard to the Issued Paper of the PC, the DFT wishes to stress that a point to point increase in imports of 12 %, and actual decreases in imports within the investigation period should not be considered as meeting the requirement of being recent enough, sudden enough, sharp enough and significant enough' (Argentina – Footwear (EC), (DS121), in WTO 2012). Furthermore, the DFT also wishes to request an explanation as to the nature and cause of the alleged serious injury during a four-year period in which imports remained stable with only an increase of 12 % in the most recent harvesting year.

The DFT strongly hopes that the PC will take full account of the concerns expressed and the DFT hereby reserves its right to submit further comments, orally or in writing, with respect to the procedural issues and alleged injury during the course of this investigation. The DFT would also be highly obliged if it can be directly informed of all relevant status developments as the investigative process progresses.

¹ Australia's Financial Year is 1 July to 30 June

Additionally, pursuant to the Thailand – Australia Free Trade Agreement (TAFTA), product of Thai origin may be excluded if those imports are not cause of serious injury which is reflected by the insignificant amount imports to Australia by Thailand and should, therefore, be excluded from this investigation.

The DFT is looking forward to receiving your positive response at your earliest convenience.

Yours sincerely,

(Miss. Banjongjitt Angsusingh)
Deputy Director-General
Acting Director-General

Import of Processed Tomato Products
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