

Instruction E/009/CS017/001

New Zealand Customs Instructions (NON-CONFIDENTIAL)

Preserved Peaches from the People's Republic of China

18 July 2012

Introduction

These Customs instructions replace all previous instructions concerning preserved peaches from the People's Republic of China (China). Any queries concerning these instructions should be directed to the Trade, Remedies and Tariffs Group of the Ministry of Business, Innovation and Employment. Contact details are given at the end of these instructions.

The Minister of Commerce first imposed anti-dumping duties on imports of preserved peaches from China in 2006. The rates of anti-dumping duty were reassessed by the Minister of Commerce on 21 August 2006 following the completion of an investigation. The rates of anti-dumping duty in these instructions apply from 18 July 2012.

Goods Subject to Anti-Dumping Duties

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/Countries of Origin

The country of origin of the subject goods is China.

Anti-Dumping Duties

Description

The anti-dumping duties are imposed through the form of reference prices, where anti-dumping duty is payable only when the export price is lower than the reference

price. The amount of anti-dumping duty payable is the difference between the two prices.

There are 2 forms of reference prices that are applicable to preserved peaches from China.

- Normal Value (Value for Duty Equivalent) amounts (referred to as NV(VFDE) amounts) in Chinese Renminbi (CNY).
- Non-injurious Free on Board amounts (referred to as NIFOB amounts) in New Zealand dollars (NZD).

Method

Reference prices have been set for individual exporters and ‘other’ exporters (see Table 1 below), on a per kilogram basis.

First calculate the New Zealand Value for Duty (VFD) per kilogram for a specified (or “other”) exporter across the whole shipment. This will give the average price per kilogram for the preserved peach shipment imported.

Named Exporter or ‘Other’ Exporter Calculation

Where a Reference Price only applies (see column 2 of Table 1 below), anti-dumping duty is **only payable** if the New Zealand VFD per kilogram **is lower than** the Reference Price per kilo in the Table. The difference between these two figures is the amount payable per kilo, multiplied by the number of kilos in the shipment.

Chic Foods Co., Ltd. (also known as Chic International Co., Ltd) (Chic Foods)

For one exporter, Chic Foods, there is a Reference Price and an alternative ‘Cap’ reference price in place. The Cap rate has been set in Chinese Renminbi (CNY) to take account of exchange rate movements. The Reference Price and the Cap rate must be compared in New Zealand dollars (NZD) to find the **lowest** rate.

The lowest reference price is then compared with the VFD per kilo of the imported goods. The duty payable is calculated as for the method outlined under the heading “Named Exporter or ‘Other ‘Exporter” above.

Rates of Duty

1. The anti-dumping duty rates established as outlined above are as follows:

Table 1:

Name of Exporter/Manufacturer	‘Reference Price’ per Kg	Alternative ‘Cap’ per Kg
Chic Foods Co., Ltd	NZD <input type="text"/>	CNY <input type="text"/>

Linyi City Kangfa Foodstuffs Drinkable Co., Ltd	CNY [REDACTED]	n.a.
Qingdao Huaci Metal & Porcelain (Industries) Co., Ltd	CNY [REDACTED]	n.a.
Sino-every Green Foodstuffs Co., Ltd	CNY [REDACTED]	n.a.
Zhejiang Iceman Foods Co., Ltd	CNY [REDACTED]	n.a.
Residual duty (all 'other' exporters)	CNY 12.34	n.a.

[REDACTED] Confidential Information

Examples

Example 1

Note: This is the method of calculation for any exporter other than Chic Foods Co Ltd. (i.e. any other named exporter or 'other' exporter).

Below is an example of the calculation of the anti-dumping duty applicable to these goods. Note that the invoiced amounts used below are not actual prices and are used for the purposes of the examples only.

You have an invoice with the following details from an 'Other' exporter (see Table 1):

Table 2:

Size	Quantity	FVFD	Total Kg
410g	100 cartons (24 cans per carton)	USD 1,400	$0.410 \times 24 \times 100 = 984$
825g	50 cartons (12 cans per carton)	USD 750	$0.825 \times 12 \times 50 = 495$
Total		USD 2,150	1479 Kg

Exchange Rates at Date of Importation:

NZD1 : USD0.775

NZD1 : CNY 4.9008

Method of Calculation

Step 1: Find the Imported price per kilogram (NZD):

Establish the foreign value per kg of the goods (from the Table 2 invoice) and convert this amount into NZD using the exchange rate at the date of importation.

Total FVFD per kg is $USD2,150 / 1,479Kg = USD 1.45 /kg$

Convert to NZD: $\text{USD}1.45 / 0.775 = \text{NZD}1.87 \text{ VFD /kg}$

Step 2: Convert the Reference Price (from Table 1) to NZD:

Find the applicable named exporter (except Chic Foods Ltd) or 'other' exporter Reference Price from Table 1. The "other" Reference Price is CNY12.34 /kg.

$\text{NZD} = \text{CNY}12.34/4.9008$ therefore the Reference Price = NZD 2.52 /kg.

Step 3: Compare with the Imported Price per Kilogram with the Reference Price:

The imported Price NZD1.87 VFD /kg **is less than** the Reference Price of NZD2.52 /kg therefore anti-dumping duty of 0.65 /kg is payable.

The total amount of anti-dumping duty for the shipment: $1479\text{kg} \times \text{NZD}0.65 = \text{NZD}961.35$.

NOTE: If the rate per kg of the shipment is equal to, or greater than the Reference Price, no anti-dumping duty is payable.

Example 2

Method for Chic Foods Ltd.

Using the same example invoice data (Table 2) and the exchange rates below Table 2:

Step 1: First calculate the imported price per kilogram (NZD) for the shipment – (as in Example 1, Step 1 above) = NZD1.87 /kg.

Step 2: To find out which rate is lowest in NZD between the 'Reference Price' and the alternative 'Cap' rate (for Chic Foods in Table 1):

Convert the alternative 'Cap' rate to NZD using the exchange rate at the date of importation.

$\text{NZD} = \text{CNY} \text{ [] } / 4.9008$ therefore the Cap rate price = NZD [] /kg. The Reference Price is NZD [] /kg.

The lowest rate in this example is the Reference Price, therefore compare this rate with the price per kg of the shipment – (NZD1.87 /kg from Step 1).

Step 3: Compare with the Imported Price per Kilogram with the Reference Price:

The imported Price NZD1.87 VFD /kg **is less than** the Reference Price of NZD [] /kg therefore anti-dumping duty of [] /kg is payable.

The total amount of anti-dumping duty for the shipment: 1479kg x NZD [] = NZD [].

NOTE: If the rate per kg of the shipment is equal to, or greater than the Reference Price or Cap rate (whichever is the lowest), no anti-dumping duty is payable.

Notes

1 General

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

Goods Description

Container/Can Sizes and Product Styles

The goods covered by the description given above are “Peaches in preserving liquid, in containers up to and including 4.0 kg”

Container sizes for these goods are nominal and are based on normal industry usage.

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

The following points should be noted:

- i. Preserved peaches in jelly do not attract anti-dumping duty as the carrier is not a liquid. Common liquids include syrup, juice or water.
- ii. Duties apply to varieties of preserved peach, including white peaches. Containers containing a mixture of peaches and other fruit, such as fruit salad, and peaches and pears, are not subject to anti-dumping duty.
- iii. Sizes refer to net weights, and therefore exclude the weight of the container.

Preserved peaches of the kind subject to anti-dumping duties may be invoiced according to either net weight or standard size descriptors, the equivalents of which are shown in Table 3 below.

Table 3

Nominal Weight	Standard Description
120g	Pottles

410 g	N1M
825 g	A2.5 or A22
3 kg	A10

Invoiced Currency

As noted above, in most circumstances the subject goods from China are invoiced in USD. The USD 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.

FAQ Page

2. The [Frequently Asked Questions](#) page may provide additional guidance regarding the applicability of the duties.

Further Information

3. 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:

Direct Telephone: 4-470 2277
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Trade Remedies General Contacts:

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