

NON-Confidential

New Zealand Customs Instructions

Preserved Peaches from Spain

E/009/CS016/001

Date: August 2011

Shaded information is confidential

1. Introduction

The Minister of Commerce has imposed anti-dumping duties on imports of preserved peaches from Spain. The rates of anti-dumping duty in these instructions apply from **4 August 2011**.

2. Goods Subject to Anti-Dumping Duties

2.1 Description

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

2.2 Explanatory Note

The 4.0kg weight limit refers to the *net* weight of the container i.e. it includes the contents of the container only (and not the weight of the actual container).

2.3 Country of Origin

The country of origin of the subject goods is Spain.

3. Anti-Dumping Duties

3.1 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 Spain.

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

3.2 Method

Reference prices have been set on a per kilogram (kg) basis. The duty payable is calculated by deducting the New Zealand Value for Duty (VFD) amount from the reference price on a per kg basis. Due to exchange rate movements, an alternative duty has been set in the form of NV(VFDE) amounts. The NV(VFDE) amount which is set in Euro (EUR), should be converted to NZD at the Customs exchange rate at the date of import, and if this amount is lower than the NIFOB amount, the NV(VFDE) amount is used as the reference price for the calculation of the anti-dumping duty payable.

3.3 Rates of Duty

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

Table 1.1 Reference Price Levels
Per Kilogram

Spanish Manufacturer/Exporter	Reference Prices	* Alternative Duty NV(VFDE) amounts
Conservas y Frutas	NZD █	EUR █
Alcurnia Alimentacion SL	NZD █	EUR █
Halcon Foods SA	NZD █	EUR █
Conservas el Navarrico	NZD █	EUR █
Residual duty (all other suppliers)	EUR 1.26	N/A

* Note: An alternative duty rate has been set as NV (VFDE) amounts. The NV (VFDE) amount shall apply instead of the NIFOB amount where the NV (VFDE) amount (when converted to NZD) is less than the NIFOB amount, due to exchange rate movements. As the residual (all other suppliers) rate has been set at the NV(VFDE) amount, an alternative duty rate is not applicable.

Nb. Shipments may contain a number of different container sizes. The average NZD VFD per kilogram of the shipment to be compared against the relevant reference price should be calculated based on the total quantity of kilograms shipped and their total value irrespective of the individual container sizes included in the transaction.

To establish the correct NIFOB and NV(VFDE) amounts it is necessary to identify the Spanish manufacturer (supplier) of the goods subject to the duty. Some of the companies in the table above do not export directly to New Zealand. To assist in identifying the correct company, the companies on the left are those from the table

above that are known to sell to the companies on the right, who are final exporters to New Zealand. Always confirm the originating Spanish manufacturer (supplier).

Table 1.2 Spanish Manufacturers and their Known Exporters to New Zealand

Spanish Manufacturer/Exporter	Exporter to New Zealand
Conservas y Frutas	[REDACTED]
Alcurnia Alimentacion SL	[REDACTED]
Halcon Foods SA	[REDACTED]
Conservas el Navarrico	[REDACTED]

3.4 Examples

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

Example 1: Importation of 420gm cans from Conservas y Frutas

You have an invoice presented by an importer who has sourced the goods from a named supplier ([REDACTED]), containing the following details:

Can Size	Quantity	FVFD	Total Kg
420g	100 Cases (24 cans/case)	EUR900	24 x .420 x 100 = 1,008 kgs

Note: Preserved peaches of the kind subject to anti-dumping duties may be invoiced according to either gross or net weight. The total number of kgs should be based on the net weight.

The exchange rate at the date of importation is **NZD1:EUR0.46**.

The supplier is [REDACTED] and the relevant NIFOB/NV(VFDE) amounts for this company apply.

Method of Calculation

Step 1: Calculate the NZ VFD per Kilogram, i.e., establish the foreign value per kg of the goods and convert this amount into NZD using the exchange rate at the date of importation.

Total FVFD per kg is EUR900

FVFD per kg is EUR900/ 1,008kgs = EUR 0.89

$$\text{EUR0 0.89}/0.46 = \text{NZD1.93}$$

$$\text{VFD}/\text{kg} = \text{NZD1.93}$$

Step 2: Identify the appropriate duty rate for comparison.

An alternative NV(VFDE) rate has also been set in Euros. Convert the alternative rate, applicable to _____, to NZD using the exchange rate at the date of importation.

Alternative duty NV(VFDE) amount = EUR _____

Convert: EUR _____ /0.46 = NZD _____

Compare this figure to the NIFOB amount set for _____. The lower of the two amounts as this is the applicable reference price.

NIFOB amount = NZD _____

NV(VFDE) amount (in NZD) = NZD _____

As the NIFOB amount is less than the NV(VFDE) amount, the reference price to be used for the calculation of the anti-dumping duty payable is the NIFOB amount of **NZD _____**.

Step 3: Calculate the anti-dumping duty payable.

If the VFD per kilogram is higher than the applicable reference price, no anti-dumping duty is payable.

If the VFD per kilogram is lower than the applicable reference price, the difference is the amount of duty payable per kilogram. The amount of duty payable per kilogram multiplied by the number of kilograms of product in the shipment is the anti-dumping duty payable.

As the VFD/kg (NZD1.93) is lower than the NIFOB amount (NZD _____) by a margin of NZD _____, the anti-dumping duty payable is: NZD _____ x 1,008kg = NZD _____.

Example 2: Importation of 420gm and 850gm cans from a Spanish supplier not assigned an individual duty rate

You have an invoice presented by an importer who has sourced the goods from a Spanish supplier who has not been assigned an individual anti-dumping duty rate (i.e. the company is not listed in table 1.1 above). The invoice contains the following details:

Can Size	Quantity	FVFD	Total Kg
410g	100 Cases (24 cans/case)	EUR900	24 x .410 x 100 = 984 kgs
850g	100 Cases (12 cans/case)	EUR1,200	12 x .850 x 100 = 1,020 kgs

Note: Preserved peaches of the kind subject to anti-dumping duties may be invoiced according to either gross or net weight. The total number of kgs should be based on the net weight.

The exchange rate at the date of importation is **NZD1:EUR0.46**.

Method of Calculation

Step 1: Calculate the NZ VFD per Kilogram, i.e., establish the foreign value per kg of the total goods in the shipment and convert this amount into NZD using the exchange rate at the date of importation.

Total FVFD per kg is EUR2,100

FVFD per kg is EUR2,100/ 2,005kgs = EUR 1.05

EUR0 1.05/0.46 = NZD2.28

VFD/kg = **NZD2.28**

Step 2: Identify the appropriate duty rate for comparison

Because the supplier is not listed in table 1.1 above, the residual (all other suppliers) duty will apply for this company (i.e. EUR 1.26). [Nb. as the residual rate has been set at the NV(VFDE) amount, an alternative duty rate is not applicable].

Convert the residual rate (EUR 1.26) to NZD using the exchange rate at the date of importation.

Convert: EUR1.26/0.46 = **NZD2.74**.

Step 3: Calculate the anti-dumping duty payable.

If the VFD per kilogram is higher than the residual reference price, no anti-dumping duty is payable.

If the VFD per kilogram is lower than the residual reference price, the difference is the amount of duty payable per kilogram. The amount of duty payable per kilogram multiplied by the number of kilograms of product in the shipment is the anti-dumping duty payable.

As the VFD/kg ((NZD2.28) is lower than the residual rate (NZD2.74) by a margin of NZD0.46, the anti-dumping duty payable is: NZD0.46 x 2,005kg = NZD922.30.

4. Notes

General

An ALERT is in place for Tariff Item and Statistical Key 2008.70.09 00L and country of origin is 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 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.
- 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.
- Preserved peaches not covered by the determination and are therefore not subject to anti-dumping duties are frozen peaches in solid pack cartons or freeze dried in vacuum packed.
- Peach pulp and puree are also excluded from the determination and not subject to anti-dumping duty.

Invoiced Currency

As noted above, in normal circumstances the subject goods from Spain are invoiced in EUR. The EUR 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.

5. FAQ Page

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

6. Further Information

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

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