

Non-confidential

New Zealand Customs

Instructions

Canned Peaches from Greece

E/009/CS004/001

Date: November 2009

1. Introduction

1. These customs instructions replace all previous instructions concerning canned peaches from Greece. Any queries concerning these instructions should be directed to the Trade Rules, Remedies and Tariffs Group of the Ministry of Economic Development (MED). Contact details are given at the end of these instructions.
2. The Minister of Commerce first imposed anti-dumping duties on imports of canned peaches from Greece in 1998. The rates of anti-dumping duty were reassessed by the Minister of Commerce on 18 November 2009 following the completion of a review. The rates of anti-dumping duty in these instructions apply from 19 November 2009.

2. Goods Subject to Anti-Dumping Duties

2.1 Description

Peaches (halves, slices or pieces) packed in retail size cans

2.2 Country of Origin

3. The country of origin of the subject goods is Greece.

3. Anti-Dumping Duties

3.1 Description

4. 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.

5. There are 2 forms of reference prices that are applicable to canned peaches from Greece.

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

3.2 Method

6. Reference prices have been set for the most common can sizes, i.e., 410gm, 820gm and 3kg cans. The duty payable is calculated by deducting the New Zealand Value for Duty (VFD) from the NIFOB amount for the appropriate can size shown in the table below. 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 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.

7. In the case of can sizes that are subject goods, but for which reference prices have not been established in the table below, the NIFOB amount or NV(VFDE) amount for the can size closest to the particular size of the can being imported is applicable.

3.3 Rates of Duty

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

Reference Price Levels Per Kilogram

Can Size	Reference Price NIFOB amounts	* Alternative Duty NV(VFDE) amounts
410g	NZD xxxx	EUR 1.88
820g	NZD xxxx	EUR 1.66
3kg	NZD xxxx	EUR 1.53

* 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 is less than the NIFOB amount when converted to NZD.

3.4 Example

9. 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.

10. You have an invoice with the following details:

Can Size	Quantity	FVFD	Total Kg
410g	100 Cases (24 cans/case)	EUR900	24 x .410 x 100 = 984

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

Method of Calculation

12. Step 1: Identify 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.

13. Total FVFD per kg is $EUR900 / 984 \text{ Kg} = EUR 0.91$

$$EUR0.91/0.46 = NZD1.98$$

$$VFD/kg = NZD1.98$$

Step 2: Identify the appropriate duty rate for comparison.

14. Convert the alternative rate, the applicable NV(VFDE) amount, to NZD using the exchange rate at the date of importation.

15. Alternative rate NV(VFDE) amount = EUR1.88

16. Convert: $EUR1.88/0.46 = NZD4.09$

17. Compare this to the NIFOB amount. The lower of the two amounts as this is the applicable reference price.

$$\text{NIFOB amount} = \text{NZDxxxx}$$

$$\text{NV(VFDE) amount} = \text{NZD4.09}$$

18. 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 NZDxxxx.

19. Step 3: Calculate the anti-dumping duty payable.

20. If the VFD/kg is higher than the applicable reference price, no anti-dumping duty is payable.

21. If the VFD/kg 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 (for that product line) is the anti-dumping duty payable.

22. As the VFD/kg (NZD1.98) is lower than the NIFOB amount (NZDxxxx) by a margin of NZDxxxx, the anti-dumping duty payable is: NZDxxxxx 984 kg = NZDxxxx

4. Notes

General

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

Goods Description

Can sizes and Product Styles

24. The goods covered by the description given above are "Canned peaches (halves, slices and pieces) packed in various concentrations of sugar syrup and in can sizes ranging from 110 grams to 3 kilograms (A10)". Can sizes for these goods are nominal and are based on normal industry usage.

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

26. The following points should be noted:

- Cans with a nominal net weight outside of the range specified in the above goods description, i.e. cans of a size greater than A10 (nominal size 3 kilograms) are excluded from the determination. These goods are therefore not subject to anti-dumping duty.
- A10 size cans may be shown with a nominal weight of up to 3060gms (3.06kgs). These cans are included in the determination and anti-dumping duty should be collected where applicable on the basis of the nominal weight, for example 3000gms (3kgs) for 3060gm (3.06kgs) cans.
- Canned peach styles other than halves, slices and pieces are excluded from the determination and are not subject to anti-dumping duties. Other styles may include peach pulp.
- "Sugar syrup" includes fruit juice.
- Peaches packed other than in cans are not covered by the determination and are not subject to anti-dumping duties. These may include for example, frozen peaches in solid pack cartons and peaches packed in plastic pottles.

Industry Descriptions

27. Canned peaches of the kind subject to anti-dumping duties may be invoiced according to either net weight or standard can sizes, e.g. 410gm or N1M. Nominal industry standard weight equivalents are shown below.

Nominal Weight/Contents	Standard Can Description
410 gm	N1M or No.1m

825 gm	A2.5 or A22
3 kg	A10

Invoiced Currency

28. As noted above, in normal circumstances the subject goods from Greece 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

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

6. Further Information

30. 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:

Contact for this investigation: Anaru Silao or Mike Andrews

Direct Telephone: (04) 470 2284 or (04) 495 1267

Email: anaru.silao@med.govt.nz

mike.andrews@med.govt.nz