



Trade (Anti-dumping and Countervailing Duties) Act 1988

Full Review

Preserved Peaches from Spain

Stage 2 Full Review Questionnaire

February 2022

MBIE/AD/R/2021/002

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1. PUBLIC INTEREST INVESTIGATION – QUESTIONNAIRE

Introduction

MBIE is undertaking a public interest investigation (full review stage 2) as part of a review of anti-dumping duty on imports of preserved peaches from Spain (the preserved peaches). In doing so, MBIE must address the question of whether the cost to downstream industries and consumers of imposing the duty is likely to materially outweigh the benefit to the domestic industry. A detailed description of the factors MBIE will assess is set out in section 3.3 of the Stage 2 Full Review Framework (the Framework) which accompanies this questionnaire. The Framework also details the background to this review and provides definitions of terms used in this questionnaire, such as ‘like goods’, ‘downstream industries’ and ‘consumers’.

Information requested from you

The information requested below will assist MBIE to better understand both your business and the New Zealand market in general for the purpose of the public interest investigation. If any information is not applicable to you, please write “not applicable” and provide an explanation if possible.

For some questions, we request data and have provided an Excel document [**Appendix 1**] that you may wish to use for this.

Confidential information

If any of the information you provide in the questionnaire below or in addition to your answers is confidential in nature, we will need you to provide non-confidential versions of it. In section 2 of this document, we explain in detail about confidential information. We suggest you read this section before completing the questionnaire.

1.1 General Information

Please use a different font colour to differentiate your answers and refer the Framework as a guide to answering these questions.

1. Please provide the following details:
 - a) Name
 - b) Address
 - c) Nominated contact person (contact number and email details)
 - d) Company/organisation website
2. Please provide a description of your organisational structure or the interests you represent. If you form part of a group of companies, where relevant, please indicate whether the information provided relates to the group or to your specific company.
3. Please provide any brochures, pamphlets or booklets advertising your company and its products, including those relating to downstream goods.

4. Please indicate the description that best suits you, your company/organisation or the interests you represent and the level of trade and if necessary, provide further explanation¹.
 - a) consumer/ downstream industry / domestic producer of preserved peaches / importer / exporter or other (please specify), of the preserved peaches, and/or
 - b) another significantly affected person (see section 2.4 of the Framework).
5. Please describe how you, your company/organisation or the interests you represent use the preserved peaches i.e. retail, manufacturing, foodservice or other.
6. If applicable, please describe the import and/or procurement strategy adopted by your company.

1.2 General questions on the effect of Anti-Dumping Duties

7. Please indicate whether you or your company/organisation would be in favour of, or against, the imposition of anti-dumping duties at the rates determined by the Minister and listed in section 2.5 of the Framework, and explain why.
8. How do you consider the imposition of anti-dumping duties on preserved peaches from Spain may affect you? Please explain how and quantify this effect, if possible.
9. Do you consider that the imposition of anti-dumping duties on preserved peaches from Spain would increase the cost to downstream industries and consumers of these products?
10. What is the possibility of you or your company/organisation switching or exploring new sources of supply for preserved peaches? Explain what it takes in terms of costs involved, flexibility of existing arrangements, or other considerations you may have.
11. To the best of your knowledge, please comment on the comparability of preserved peaches from Spain with the product produced in New Zealand. Where possible explain any differences in quality, that can affect your decision to purchase.
12. How do you consider the continuation of anti-dumping duties would affect the quality of preserved peaches available in New Zealand?
13. To what extent would you absorb or pass-on (partial or whole amount) the anti-dumping duty to your customers and for what reasons?
14. To the best of your knowledge, please comment on what you consider would happen in the New Zealand market for preserved peaches, in particular what would be the effects on interested parties, downstream industries and consumers, if the anti-dumping duties are removed/maintained on imports from Spain. Also consider the effect on the following factors:
 - a) the effect of the duty on the prices of the imports of preserved peaches from Spain;

¹ See section 3.2 of the Framework for definitions of the categories of affected parties.

- b) the effect of the duty on the prices of preserved peaches produced in New Zealand;
 - c) the effect of the duty on the choice or availability of preserved peaches produced in New Zealand;
 - d) the effect of the duty on product and service quality;
 - e) the effect of the duty on the financial performance of the domestic industry;
 - f) the effect of the duty on employment levels, including within your business;
 - g) whether there is an alternative supply (domestically or internationally) of preserved peaches available; and
 - h) any factor that would be essential to ensure the existence of competition in the market.
15. Are there products that that you would consider to be substitutes for preserved peaches imported from Spain? If so, what products do you consider are substitutable, and why?
 16. Would you consider substituting Spain as a potential source of preserved peaches in place of like goods produced by another country, if duties were continued on preserved peaches from Spain at the rates determined? If so, by how much would the price of preserved peaches from Spain have to increase before you discounted Spain as a source of supply and would instead likely purchase a similar good from another country?
 17. Are you aware of any alternative sources of supply of the preserved peaches, competitive in price and quality, capable of meeting demand in the New Zealand market?
 18. To what extent do you consider that there may be a risk of monopolisation in the domestic market should anti-dumping duties be continued on the preserved peaches from Spain?
 19. Are there any complementary goods that you are aware of whose market might be affected by a price increase on the preserved peaches from Spain? If so, what products do you consider are complementary, and why?
 20. To what extent do you consider the market is accessible to new entrants?
 21. Do the producers/exporters in Spain have any advantage over the New Zealand producers? If so, please provide examples.
 22. Which are the elements that determine competition in your sector (i.e. prices, delivery times, service, etc)
 23. Do you have any other comments you wish to make on any of these matters?

1.3 Additional Questions for Importers

This section needs to be answered by importers of the preserved peaches.

24. Please name your main customers and/or main suppliers for preserved peaches.
25. Are there any factors (trade arrangements, currency fluctuations, etc.) that have influenced the prices of preserved peaches in your market in the past three years? Please explain and substantiate.

26. To the best of your knowledge, please provide information on the current or likely impact of anti-dumping duties on the supply chain of preserved peaches from Spain. In particular:
- a) What would be the impact of the duties on the costs incurred by your company, the supply chain, impact on employment levels and financial performance of your company, and the impact for the final consumer.
 - b) What would be a possible pass-on rate for this duty. Where possible please provide evidence of all the information you submit as much as possible.

1.4 Additional Questions for Downstream Industries

This section needs to be answered by downstream industries of the preserved peaches.

27. Please provide a full description of the goods you produce which require preserved peaches as input materials (**final good(s)**).
- a) Provide information on the markets you operate in, including your company/organisation's distribution channels. As appropriate, specify the products you produce or sell which incorporate the preserved peaches into the downstream goods and describe the markets they serve, including domestic and export markets. Provide details of volumes and values of the products sold from July 2020 until June 2021 and the expected levels for up to June 2022. **[Appendix 1]**
28. Please identify the main groups of customers to whom you sell the subject good(s), e.g. restaurants, supermarkets, grocery distributors, households, and whether they use the peaches to produce other goods, e.g. food preparation.
29. Does the price of the final good(s) produced by your company using the preserved peaches as an input respond to normal price factors? (This relates to input costs, currency fluctuations, or any other factors). For instance, has some external factor (trade agreements, currency fluctuation, etc.) influenced the evolution of prices in your market in the past three years? If so, please explain.
30. To what extent would an increase in input costs result in an increase in the price of the final good(s) produced by your company? (i.e. does your company absorb increases in input costs or pass them on to consumers?)
31. To what extent does the production of your final good(s) rely on the preserved peaches? Could the preserved peaches be substituted for a non-like good? (e.g. could preserved peaches used in a pie be substituted with another fruit such as apples).
32. To what extent would the continuation of anti-dumping duties on preserved peaches from Spain cause you to reduce or stop producing the final good(s) produced by your company? Please provide figures showing the volume and value of any likely ceased production or exportation.
33. Do you consider that your customers are aware of any differences in quality between the imported preserved peaches and like goods produced domestically?

34. To what extent is your company's financial position reliant on the production of final good(s) using the preserved peaches or like goods? Do you consider this position may be compromised by the continuation of anti-dumping duties on preserved peaches from Spain?
35. Please provide the number of full time employees (FTEs) involved in the production of your products which require preserved peaches as input materials. Are you able to indicate the cost of labour associated with the manufacture of your products which require preserved peaches as an input?
36. Would employment in your company be adversely affected by the continuation of anti-dumping duties on the preserved peaches from Spain? If so, please provide an estimation of the number of FTEs would be adversely affected by the continuation of anti-dumping duties of the rates determined.
 - a) If you answered yes above, do you believe your company would be able to reallocate any labour that may be lost due to the continuation of anti-dumping duty on the preserved peaches from Spain?

1.5 Additional Questions for Consumers

This section needs to be answered by consumers of the subject good.

37. Would you be likely to purchase preserved peaches from Spain if available? What price difference would affect your decision to buy preserved peaches from Spain over locally produced preserved peaches?
38. Would you consider that there are any differences in quality between preserved peaches produced in Spain and preserved peaches produced domestically?

2. Lodging Submissions

1. Below are some instructions on providing a submission using the questionnaire.

2.1 Documentation to provide

2. Where you provide information, wherever possible please also provide evidence in support of your response e.g. copies of invoices to support prices. Copies of original documents are satisfactory for questionnaire responses, but original source material for all documents submitted or relied upon in preparing your submission should be available in the event that MBIE may need to follow up in order to confirm or clarify the information.

Currency

3. Where you provide information related to pricing, please show all amounts in the currency originally denominated. Where any currency conversions are made, please indicate the exchange rate used and its source.

2.2 Confidential information

4. MBIE is required to ensure that all interested parties have a reasonable opportunity to access information (non-confidential versions) used by MBIE in the review, this includes information you choose to provide in and with this questionnaire. Non-confidential information used in the review is contained on MBIE's Public File for this review, which is available for perusal or copying by any interested party to the review or member of the public.
5. If provide any information which is by nature commercially confidential (for example, because its disclosure would be of significant advantage to a competitor, or its disclosure would have a significantly adverse effect on the person supplying the information) or which is provided on a confidential basis, it will **upon good cause being shown** be treated as confidential by MBIE.
6. For any information that you ask to be treated as confidential please:
 - **Provide a non-confidential version** (or a non-confidential summary of the information, or if you claim that the information is not susceptible to such a summary, a statement of the reasons why a summary is not possible).
 - A non-confidential version should reproduce the original but have information considered to be confidential either omitted or summarised.
 - Provide justification for the information being treated as confidential.

Redaction of Confidential Information

Section 3F of the Trade (Anti-Dumping and Countervailing Duties) Act 1988 defines **confidential information**. Where you wish to redact any confidential text, we ask that you provide a non-confidential summary of the information, or reasons why a summary cannot be provided. Information that you think should be withheld under the Official Information

Act 1982 if it were requested should also be redacted with a summary provided, or reasons why such a summary cannot be provided.

As an example, if a party was to indicate:

“We import [300 metric] tonnes monthly from [Our-Suppliers-Name-Ltd].”

Then a satisfactory non-confidential summary could be:

“We import XXXXXXXXXXXX [*volume*] monthly from XXXXXXXXXXXX [*supplier*]”

Please note that section 3F of the Act allows the Chief Executive to disregard any information for which a satisfactory non-confidential version (or summary or satisfactory statement of why such a summary cannot be given) is not provided

7. Section 3.2 of the Framework provides more detail about the treatment of information.

2.3 Deadline for submissions

8. Please provide your completed questionnaire, including a non-confidential version and any supporting evidence, to MBIE by no later than 11 **March 2022** or earlier if possible. MBIE is working to a statutory deadline for the completion of this review and it is important that responses from interested parties are received by the due dates.

Further information

9. If you would like further information on anti-dumping investigations and reviews please see our website at [Trade remedy investigations | Ministry of Business, Innovation & Employment \(mbie.govt.nz\)](https://www.mbie.govt.nz/trade-remedy-investigations). Alternatively please feel free to contact us (see details below).

Contact details

If you any questions regarding this questionnaire or the review, please contact Faith Zimunya or Mike Andrews at Trade and International:

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