

New Zealand Customs Instructions

Preserved Peaches from Spain

MBIE/AD/R/2021/002

Date: 24 May 2022

1. Introduction

These Customs instructions replace all previous instructions concerning preserved peaches from Spain (the subject goods). Any queries concerning these instructions should be directed to the Trade and International team of the Ministry of Business, Innovation and Employment (MBIE). Contact details are given at the end of these instructions.

Anti-dumping duty was first imposed on imports of preserved peaches from Spain in 2011. Prior to that imports of preserved peaches from Spain were subject to countervailing duty imposed on all subject goods from the European Union between 1998 and 2009. The anti-dumping duty was reviewed in 2017, with the outcome of that review reconsidered in 2019.

On 21 February 2022, following MBIE's report on stage 1 of the present full review, the Minister of Commerce and Consumer Affairs (the Minister) determined, that the continued imposition of anti-dumping duty for Spanish producers other than Alcornia Alimentacion SL (Alcornia)¹ was necessary to offset dumping, and that material injury to an industry would likely recur if the duty expired or was otherwise removed or varied. Anti-dumping duty rates were determined by the Minister, pending the outcome of stage 2 of the review (the public interest test).

On 23 May, on consideration of MBIE's report on stage 2 of the present review, the Minister determined that continuing to impose anti-dumping duty on imports of preserved peaches is in the public interest.

An anti-dumping duty at the rates of 7.1 percent and 7.2 percent will now be imposed from the day after the date of the Minister's determination – namely, from 24 May 2022. These anti-dumping duty rates replace the rates of anti-dumping duty that have been in place since the reconsideration in 2019.

¹ In stage 1 of the review MBIE concluded that there is a likelihood of the recurrence of dumping of the subject goods imported from Spain, except that, imports from the Spanish producer Alcornia are unlikely to be dumped.

2. Goods Subject to Anti-Dumping Duties

Description of Goods

The subject goods that this notice applies to are described as:

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

The goods are currently classified under Tariff Item 2008.70.09 and Statistical Key 00L, which classification is provided for convenience and New Zealand Customs Service purposes only, the written description being dispositive.

Country of Origin

The country of origin of the subject goods is Spain.

3. Anti-Dumping Duty

Description

This anti-dumping duty is imposed in the form of an ad valorem (percentage) rate, where the amount of anti-dumping duty payable is the Customs value for duty (VFD) multiplied by the percentage rate.

Rates of Duty

The duty rates are as follows:

Spanish Producers	Goods	Duty
All producers other than excluded producer	Subject goods not exceeding 1kg	7.2%
All producers other than excluded producer	Subject goods exceeding 1kg	7.1%
Excluded producer	Alcurnia Alimentacion SL	

Method

All imports of retail size containers from all suppliers from Spain, other than the excluded producer, Alcurnia Alimentacion SL, fitting the goods description set out above in section 2, shall be charged an ad valorem (percentage) rate indicated in the table above when entering for home consumption.

4. Notes

General

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

Goods Description

The imported goods subject to anti-dumping duty are:

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

This description includes any concentration of sweetness in the medium found in the container and therefore covers mediums containing both natural and artificial sugars, including peaches preserved in a 'lite' medium and in fruit juice as all these styles contain some amount of sweetness in the medium.

The goods covered by the description above include can sizes ranging from 110 grams to A10 cans (nominal weight 3 kilograms).

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 other container types and can sizes other than those listed.

The following points should be noted:

- Cans with a nominal net weight outside of the range specified in the above goods description, are excluded from the determination, and are 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.
- Preserved peach styles that are not subject to anti-dumping duties may include peach pulp, frozen peaches, freeze-dried fruit, pastes and purees.
- Peaches packed in containers other than in cans are covered by the determination and are subject to anti-dumping duty. These may include for example, preserved peaches in glass or plastic jars and peaches packed in plastic pottles.

Industry Descriptions

Preserved peaches of the kind subject to the anti-dumping duty 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

Suppliers/Producers

The anti-dumping duty applies to all Spanish producers, other than Alcornia Alimentacion SL. The supplier may not be the actual producer of the subject goods, but could be an intermediary trader, so you will need to identify the Spanish producer.

5. Further Information

Should you have any queries regarding the operation of the anti-dumping duty described in these instructions please contact the Trade Remedies as shown below:

Contacts for this investigation: Mike Andrews and Faith Zimunya

Direct Telephone: +64 4 495 1267 or +64 4 897 5062

Email: traderemedies@mbie.govt.nz