

# Press Release

## Van Bael & Bellis successfully assists Italian canned tomato processors in overturning Australian anti-dumping measures which would have set a dangerous precedent for European processors of agricultural products

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The Australian Anti-Dumping Review Panel (ADRP) has upheld the appeal brought by Van Bael & Bellis on behalf of two Italian producers of canned tomatoes against a decision of the Australian Anti-Dumping Commission (ADC) imposing definitive antidumping duties on the imports of prepared or preserved tomatoes exported from Italy by Feger di Gerardo Ferraioli SpA and La Doria SpA. Together, these companies account for about 40% of the Australian canned tomato market. Van Bael & Bellis also assisted the Italian government in the preparation of its appeal to the ADRP.

The ADRP's decision is of particular significance as it overturns an administrative decision that would have set a dangerous precedent for European processors of agricultural products benefiting from payments granted under the Common Agricultural Policy.

In the original decision, the ADC had concluded that the two producers indirectly benefited from payments (SPS) granted to tomato growers under the Common Agricultural Policy. Accordingly, when determining the normal value for canned tomatoes exported from Italy, the ADC added the full SPS amount to the actual costs for raw tomatoes reported in the two canned tomato producers' records, thus creating an artificial dumping margin.

In its review, the ADRP accepted Feger's and La Doria's argument that the cost adjustment was unjustified since any alleged advantage conferred to growers was not transferred to the processors. The ADRP therefore concluded that the SPS had no discernible impact on the prices actually paid by the two Italian canned tomato producers for raw tomatoes during the investigation period. Following the review, the duty on La Doria Spa dropped from 4.5% to 0% while that on Feger di Gerardo Ferraioli Spa decreased from 8.4% to 4.8%.

Van Bael & Bellis partner [Fabrizio Di Gianni](#) and associate [Gabriele Coppo](#) represented the Italian producers in the proceedings before the Australian ADRP.