

Brussels, 22 October 2013
PROFEL2013.23

SUBJECT: Safeguard investigation – Australia – Canned Fruit

Comments of the European Association of Fruit and Vegetable Processors (PROFEL) on the Accelerated reports on provisional SFG measures on canned fruit

Dear Madam, Dear Sir,

PROFEL would like to thank you for the accelerated report on provisional safeguard measures and the opportunity to submit again comments as a party affected by the Australian request for safeguard measures for canned fruit.

We are pleased to read that the Commission has found that recent increases in imports of processed citrus, pears, apricots and 'other fruits' are unlikely to be sufficient to meet the terms of Article 2.1 of the Agreement on Safeguards.

Regarding recent increases in imports of mixtures and arguably of peaches, we understand that further data is needed before drawing any conclusions. We believe that if data is not clear and straightforward (high standard of evidence) it cannot be used as a ground for requesting safeguard measures.

We take note that the accelerated report mentions that most recently imports of peaches have fallen, and we support the Commission's preliminary assessment that the evidence is not strong enough to meet the requirement under Article 2.1 of the Agreement on Safeguards.

In addition, as we already indicated in our written submission in July, we do not see an increase of exports of peaches from the EU to Australia (table below). Moreover, the amount of EU exports to Australia is small compared to the Australian production of these products (30 685 tons in marketing year 2011/2012).

EU exports to Australia	2010	2010	2011	2011	2012	2012
Total EU Member States	1.000 €	tons	1.000 €	tons	1.000 €	tons
200870 - Peaches, including Nectarins	2830,95	2095,1	1763,86	2039	818,5	763,7

Australia has launched an anti-dumping procedure on peach products from South Africa which, we believe, confirms that the origin of the problem lies not with EU exports. We therefore put into question again the need for safeguard measures on the same products, taking into account that this will strongly affect the small amount of EU exports.

Regarding injury and a causal link, it is clear that any difficulties that the Australian peach industry may be facing is related to a mix of factors such as a series of bad seasons, increased growers costs, increasing factory labour costs etc. This seriously puts into question the causal link with imports.

We welcome the Commission's conclusion that there is no compelling evidence of the existence of critical circumstances sufficient to justify the application of immediate provisional safeguard measures, and on the basis of the accelerated report and available data we are still convinced that the grounds for installing full safeguard measures are not met either. First of all, for pears, apricots and 'other fruits' the conditions are unlikely to be met. Secondly, for peaches the increase in imports is questionable, and the injury and causal link have not been demonstrated. We therefore see **no justification** to apply safeguard measures.

We remain at your disposal should you have any questions.

Kind regards,

Aline Rutsaert

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