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Mexico

Fresh Deciduous Fruit

Dumping Duty for Apples Eliminated, New Antidumping Investigation for NFE Members

2005

Approved by:

Suzanne E. Heinen

U.S. Embassy Mexico City

Prepared by:

Dulce Flores

Report Highlights:

The Secretariat of Economy (SE) announced in the *Diario Oficial* (Federal Register), on May 26, 2005, the elimination of the 46.58-percent duty on U.S. Red and Golden Delicious apples imported from most members of the Northwest Fruit Exporters (NFE) and the beginning of a new antidumping investigation on U.S. Red and Golden delicious apples for those NFE members listed in the publication.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Mexico [MX1]
[MX]

Introduction: This report summarizes an announcement published in Mexico's "*Diario Oficial*" (Federal Register) on May 26, 2005.

Disclaimer: This summary is based on a *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

Title: Resolution to comply with the sentence dictated on October 28, 2003 by the First Collegiate Tribunal in Administrative Matter of the First Circuit, in the Toca R.A.431/2003-5523, relative to the Court Injunction 1183/2002 filed by Northwest Fruit Exporters.

FAS/Mexico's Executive Summary: The Secretariat of Economy (SE) announced in the *Diario Oficial* (Federal Register), on May 26, 2005, the elimination of the 46.58-percent duty on U.S. Red and Golden Delicious apples imported from most members of the Northwest Fruit Exporters (NFE) as indicated in the announcement and, the beginning of a new antidumping investigation on U.S. Red and Golden delicious apples for those NFE members listed in the publication. Therefore, effective May 27, 2005, apples originating from those NFE members on the list will pay zero duty upon entrance into Mexico. However, the 46.58-percent duty remains in effect for all other apple exporters from other states, those NFE members not listed, and other nonmembers of NFE.

In compliance with the announcement, NFE members have 30 working days – starting from May 26, 2005 -- to submit the information in an official format to SE.

As a result of this publication, the Final Resolution of the Antidumping Investigation on apples published in the *Diario Oficial* in August 12, 2002 will no longer be in effect for those members of NFE listed below:

Northwest Fruti Exporters Association member List	
1	Allan Bros.
2	Andrus & Roberts Produce Co.
3	Apple Country, Inc.
4	Apple King LLC
5	Auvil Fruit Company, Inc.
6	Baker Produce, Inc.
7	Bardin Farms Corp.
8	Bertha's Marketing Inc.
9	Blue Bird, Inc.
10	Blue Mountain Growers, Inc.
11	Blue Star Growers, Inc.
12	Brewster Heights Packing.
13	Broetje Orchards.
14	Carlson Orchards, Inc.
15	Chief Orchards, L.L.C.
16	Clasen Fruit & Cold Storage Co.
17	Columbia Fruit Packers, Inc.
18	Columbia Marketing International Corp.
19	Chiawana, Inc. Db: Columbia Reach Pack.
20	Congdon Orchards, Inc.
21	Cowiche Growers, Inc.
22	CPC International Apple Company.

23	Crane & Crane Inc.
24	Custom Apple Packers, Inc.
25	Domex Marketing
26	Morgans of Washington DBA: double diamond fruit
27	Douglas Fruit Company, Inc.
28	Dovex Export Company
29	Dovex Fruit Co.
30	E. Brown & Sons, Inc.
31	E. W. Brandt & Sons, Inc.
32	Eakin Fruit Co.
33	G & G Orchards, Inc.
34	Gilbert Orchards, Inc.
35	Gold Digger Apples, Inc.
36	Hansen Fruit & Cold Storage Co., Inc.
37	Henggeler Packing Co., Inc.
38	Highland Fruit Growers, Inc.
39	IM EX Trading Company
40	Inland-Joseph Fruit Company
41	J.C. Watson Co.
42	Jack Frost Fruit Co.
43	Jenks Bros. Cold Storage & Packing
44	Kershaw Fruit & Cold Storage, Co.
45	Keystone Fruit Co. LLC Dba: Keystone Ranch
46	L & M Companies
47	Larson Fruit Co.
48	Lloyd Garretson Co.
49	Magi, Inc.
50	Manson Growers Cooperative
51	Matson Fruit Company
52	McDougall & Sons, Inc.
53	Monson Fruit Co.
54	Naumes, Inc.
55	Northern Fruit Company, Inc.
56	Obert Cold Storage, Inc.
57	Olympic Fruit Co.
58	Oneonta Trading Corp.
59	Orondo Fruit Co., Inc.
60	PAC Marketing International, LLC
61	Peshastin Hi-Up Growers
62	Phillipi Fruit Co., Inc.,
63	Poirier Warehouse
64	Price Cold Storage & Packing Co., Inc.
65	Rainier Fruit Company
66	Rawland F. Taplett dba (R.F. Taplett Fruit & Cold Storage Co.)
67	Roche Fruit, Ltd.
68	Rowe Farms, Inc.
69	Roy Farms
70	Sage Marketing L.L.C.
71	Smith & Nelson, Inc.
72	Snokist Growers.
73	Stadelman Fruit, L.L.C
74	Stemilt Growers, Inc.
75	Strand Apples, Inc.
76	Sund-Roy, L.L.C.
77	Symms Fruit Ranch, Inc.

78	The Apple House, Inc.
79	Trout-Blue Chelan, Inc.
80	Valicoff Fruit Company.
81	Valley Fruit III LLC
82	Witte Orchards, Inc.
83	Yakima Fruit & Cold Storage Co.
84	Zirkle Fruit Company.”

Also, the announcement indicates that the following companies that were not included in the NFE's court injunction, will have to pay the 46.58-percent duty for apples: Borton & Sons, Inc., Evans Fruit Co., Inc. and 11R Salts, Inc., C.M. Holtzinger Fruit Co., and Washington Fruit and Produce Co. Washington Export, L.L.C. will continue under zero duty.

FAS Comment: The elimination of the antidumping duties is expected to allow U.S. exports of Red and Golden Delicious apples from listed members of the NFE under a zero duty for at least four or five months, until preliminary duties are imposed by the government. Although the principal shipping season for the Pacific Northwest apples is half way through, there are still opportunities to ship apples under the zero duty. Of concern, however, is the exclusion from this agreement of other U.S. apple exporters who are not members of NFE. Red and Golden Delicious apples from these exporters are still subject to the 46.58-percent duty. U.S. apples that are not of the Red and Golden Delicious varieties are not subject to any duty.

Important Dates

- 1. Publication Date:** May 26, 2005
- 2. Effective Date:** May 27, 2005
- 3. Information Submission Date to SE:** July 7, 2005 (30 working days from May 26, 2005)

For More Information:

AgMexico@usda.gov
 Fax: 011-52-55-5080-2532

Internet Connections

FAS Mexico Web Site: We are available at <http://www.fas-la.com/mexico> or visit our headquarter's home page at <http://www.fas.usda.gov> for a complete selection of FAS' worldwide agricultural reporting.

Useful Mexican Web Sites: Mexico's equivalent of the Department of Agriculture (SAGARPA) can be found at www.sagarpa.gob.mx and Mexico's equivalent of the Department of Commerce (SE) can be found at www.economia.gob.mx. These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained on the mentioned sites.