



USDA Foreign Agricultural Service

# GAIN Report

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## Mexico

### Fresh Deciduous Fruit

#### Mexican Government Decision On U.S. Red & Golden Delicious Apple Imports From Hansen Fruit & Cold Storage, Co.

2003

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**Report Highlights:**

On September 5, 2003, the Secretariat of Economy (SE) announced in *Mexico's Diario Oficial* (Federal Register) a resolution that revokes the compensatory duty of 101.1 percent applied to U.S. Red & Golden Delicious apples imports from Hansen Fruit & Cold Storage, Co.

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

**Introduction:** This report summarizes a final resolution published in Mexico's "*Diario Oficial*" (Federal Register) on September 5, 2003.

**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.

**FAS/Mexico's Executive Summary:** On September 5, 2003, the Secretariat of Economy (SE) announced in *Mexico's Diario Oficial* (Federal Register) a resolution that revokes the compensatory duty of 101.1 percent applied to Red & Golden Delicious apples shipments from the exporting company Hansen Fruit & Cold Storage. After the analysis of information provided by interested parties, the text concludes that the SE must reimburse Hansen Fruit & Cold Storage, Co., the amount of the duty paid from May 1<sup>st</sup> to October 31<sup>st</sup>, 2001, plus the generated interests, if applicable.

**Title:** Resolution that fulfills the sentence of the Eight Collegiate Tribunals on Administrative matters from the First Circuit. The resolution is in reference to the injunction trial 368/2002, dated February 11, 2002. The injunction trial was initiated by UNIFRUIT, before the Fourth District Judge on Administrative Matters from the Federal District, regarding the resolution that establishes the new price reference for U.S. Red Delicious and their varieties & Golden Delicious Apples.

**Type of Regulation:** Final

#### **Important Dates**

- 1. Publication Date:** September 5, 2003.
- 2. Effective Date:** September 6, 2003

**Products Affected:** Red Delicious apples and their varieties and Golden Delicious apples from the United States. This product is classified under the Harmonized System code number 0808.10.01.

**Agency in Charge:** Secretariat of Economy (SE)

#### **Background**

On September 1, 1997, SE announced an imposition of preliminary interim duties of 101.1 percent on imported U.S. Red and Golden Delicious apples. According to the investigation, SE found a significant increase in imported U.S. apples that were sold in the Mexican market at what they considered dumping prices. This 101.1 percent interim compensatory duty was independent of the NAFTA safeguard duty on apples (H.S.0808.10.01) (see MX 7083 and MX 7088).

On August 9, 2002, SE announced in the *Diario Oficial* the termination of the reference price agreement previously negotiated between SE and the U.S. apple industry that was in effect from 1998-2002. SE also announced the resumption of the antidumping investigation which had been suspended in 1998 when both sides agreed to a reference price agreement. On August 12, 2002, SE announced in the *Diario Oficial* the end of the antidumping investigation and the imposition of a 46.58 percent duty on imports of U.S. Red Delicious (and its mutations) and Golden Delicious apples. This compensatory duty was in addition to and independent of, the NAFTA safeguard duty on apples (H.S. 0808.10.01), which was 2 percent in-quota and 20 percent out-of-quota.

This decision only effects Mexican imports from Hansen Fruit & Cold Storage Company. Decisions on duties for imports from other companies would have to be published in a separate announcement. FAS Mexico does not know if such decisions are imminent.

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**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](http://www.sagarpa.gob.mx) and Mexico's equivalent of the Department of Commerce (SE) can be found at [www.se.gob.mx](http://www.se.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.