The Director
Investigations Branch | Investigations Unit 2
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

By email

Case Number: 660 (Continuation Inquiry – Steel Reinforcing Bar)
Document Title: Written Submission on SEF No. 660 – Government of Spain

Dear Director,

WRITTEN SUBMISSION ON SEF NO. 660 – GOVERNMENT OF SPAIN
STEEL REINFORCING BAR EXPORTED TO AUSTRALIA FROM THE REPUBLIC OF KOREA AND THE KINGDOM OF SPAIN - CONTINUATION INQUIRY.

The Government of Spain, through its Economic and Trade Commission in Australia, appreciates the opportunity to provide comments on *Statement of Essential Facts No. 660,* published on 6 August 2025, in the context of the continuation inquiry concerning anti-dumping measures applicable to Celsa Barcelona.

These comments are submitted in addition to, and in support of, any submissions made by Celsa Barcelona and the European Commission in this proceeding.

1. Application of export prices under the *Customs Act 1901*

The *Customs Act 1901* provides that the determination of an export price must be based on actual exports made by the exporter under investigation during the period of review. While the Act allows, in limited and clearly defined circumstances, for the use of alternative data, including prices from third countries, such exceptions apply only in specific cases - such as non-market economy situations or where an exporter is uncooperative -, and must be applied in accordance with transparent and rigorous criteria.

2. Absence of exports from Spain during the period of review

No exports from Spain to Australia by Celsa Barcelona occurred during the period of review. Where the Commission considers that the goods subject to the measures may have entered Australia via a third country, the legislative framework requires that it initiate either a new anti-dumping investigation or an anticircumvention inquiry. Such processes are necessary to determine the true origin of the goods, assess whether circumvention is occurring, and, where warranted, impose measures on exporters from the third country concerned.

It is not permissible under the *Customs Act 1901* to rely on the export price of an affiliate located in a third country as a substitute for direct export transactions from the exporter under investigation, for the purpose of maintaining or increasing antidumping duties.

3. Alternative measures proposed by the exporter

Celsa Barcelona has proposed legally sound and technically viable alternatives, including:

- applying a dumping margin of 0% in light of the absence of exports during the review period; or
- applying a measure based on a minimum price (floor price) calculated in accordance with the company's contemporaneous normal value, with the company offering to provide full cooperation and verification for such a calculation.

4. Conclusion

The Anti-Dumping Commission has available lawful options to address its policy objectives without resorting to arbitrary or speculative determinations of a dumping margin. Any decision to proceed otherwise would not be consistent with the *Customs Act 1901* or with Australia's obligations under Article 6.9 of the WTO Anti-Dumping Agreement, which requires determinations to be based on positive evidence.

The Government of Spain trusts that these considerations will be duly taken into account by the Commission, and expects that, in this instance, the submissions made by Celsa Barcelona will be given full and proper consideration in accordance with its right of defense.

Yours sincerely

Rodrigo Tilve Seoane
Chief Economic and Trade Commissioner
Economic and Trade Commission

FOR PUBLIC RECORD