

PUBLIC RECORD

13 October 2026

The Director, Investigations 2
Australian Trade Remedies Commission
GPO Box 2013
CANBERRA ACT 2600
By email: investigations2@adcommission.gov.au

Investigation 654: Tomatoes, prepared or preserved, exported from Italy.

Reinvestigation of certain findings in Report No 654.

Submission by Calispa S.p.A

Dear Director,

We make this short submission on behalf of Calispa S.p.A (Calispa), responding to the submission of SPC Operations Pty Ltd (SPC) published on the electronic public record on 13 October 2026.

The size of the effect

SPC's central figures are that dumping reduced SPC's profitability by up to 46 per cent and accounted for up to 49 per cent of its losses. SPC itself explains why those figures are large by noting that "[a] small percentage of revenue is a large percentage of a small margin."

Calispa agrees. The effect of dumping on SPC's revenue is at most 3.3 per cent. Expressed as a share of a result that was a loss for both SPC and Safcol in the investigation period, the same effect becomes a large percentage. The percentage grows as the result approaches zero, whatever caused the result. It describes how close to break-even SPC was, while the size of the dumping effect itself is the 3.3 per cent.

Report No 690

SPC relies on Report No 690 (*Freight railway wheels from China*) to suggest that competitive advantage does not displace injury caused by dumping. Report No 690 supports the PRR.

In Report No 690 the Commission ran the same remedied price test that the PRR applies here. It found that, "[w]hen adjusted to remove the effects of dumping and subsidisation (that is, at 'remedied prices'), the prices of imported goods are broadly comparable to the Australian industry's prices".¹ It found that remedied prices "closely match Australian industry prices", and that "the price undercutting is removed once the dumping and subsidisation has been taken into

¹ Final Report No 690, *Freight railway wheels from China*, section 1.2.7, p 11.

account".²³ On those facts the Commissioner considered that "in the absence of dumping, the Australian industry would unlikely experience price injury".⁴

The PRR finds the reverse. Remedied Italian prices remain 9.4 to 20.4 per cent below Australian industry prices. The method is the same in both reports. The results differ because the facts differ.

The passage SPC quotes also has a context that SPC ignores. Report No 690 found that countervailable subsidy programs "likely contributed to such competitive advantage, which would in turn negate the validity of the competitive advantage argument".⁵ SPC describes that as an additional reason only. Here, the subsidy investigation was terminated for every cooperative and residual exporter because their subsidisation was negligible.

The same pattern appears in the railway wheels case that the Panel asked about. Report No 632 continued measures "initially imposed on 16 July 2019 following the Investigation 466". In Investigation 466 the Commission found "that in a clear majority of transactions analysed during the investigation period, if the imported goods had not been dumped, Comsteel's price would have been lower than the price of imports". In each of Reports 466 and 690, the remedied price closed the gap. In this investigation it does not. Calispa submits that the final report should answer the Panel's request on past practice in those terms.

² Report No 690, p 85.

³ Report No 690, p 100.

⁴ Report No 690, section 1.2.7, p 11.

⁵ Report No 690, section 9.8.6, p 95.