



27 May 2016

NON-CONFIDENTIAL

Mr George Katsoulis
Australian Anti-Dumping Commission
55 Collins Street
Melbourne Vic 3000

Dear Mr Katsoulis,

**CONTINUATION INQUIRY – CLEAR FLOAT GLASS FROM CHINA, INDONESIA
AND THAILAND**

This letter, on behalf of PT Asahimas Flat Glass Tbk (“AMG”) and AGC Asia Pacific Pty Ltd (“AAP”), requests that, if the captioned inquiry results in continuation of dumping duty on clear float glass (“CFG”) exports to Australia by AMG, the duty method to be applied to future exports by AMG is not to be the current combination of fixed and variable duty method (“combination” duty).

The current combination duty has different fixed and variable rates applicable to the various individual CFG thicknesses exported by AMG, ie. 3mm to 12mm. We do not expect this current method to be continued because of the finding of the *Panasia Aluminium (China) Ltd v Attorney-General of the Commonwealth (2013)* Federal Court case to the effect that the duty rate must be determined as an average of all models of the goods to which the duty applies, ie. an average of 3mm to 12mm thicknesses in the case of AMG’s CFG exports.

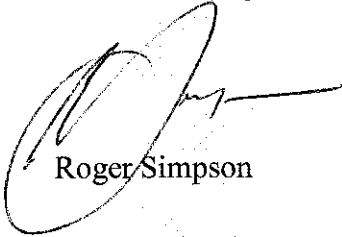
In its Guidelines on the Applications of Forms of Dumping Duty, the Commission states that the combination duty *may not suit those situations where there are many models or types of the good with significantly different prices*. It will not be suitable in respect of AMG’s CFG exports because the various thicknesses have significantly different unit prices (AUD/square metre). The unit export price of 12mm is more than four times that of 3mm. Indexed unit export prices of AMG’s exports of CFG during the investigation period were –

3mm:	100
4mm:	127
5mm:	155
6mm:	180
8mm:	285
10mm:	353
12mm:	416

Furthermore, there is nothing to indicate the likelihood of AMG engaging in price manipulation if combination duty is not imposed.

Consequent upon the foregoing, we suggest that, if the inquiry results in continuation of the anti-dumping measures in relation to AMG's CFG exports, the applicable duty should be the *ad valorem* method.

Yours faithfully,



Roger Simpson