



Australian Government

Australian Customs and
Border Protection Service

AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2012/10

Certain Clear Float Glass

Exported from the People's Republic of China, Indonesia and Thailand

Reinvestigation of certain findings

CUSTOMS ACT 1901 – PART XVB

The Minister for Home Affairs (the Minister) has accepted recommendations made by the Trade Measures Review Officer (TMRO) and has requested the Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) to reinvestigate certain findings relating to Customs and Border Protection's investigation into alleged dumping of certain clear float glass exported to Australia from the People's Republic of China (China), Indonesia and Thailand as detailed in Trade Measures Report No. 159C.

The TMRO's recommendations arose from a review conducted by the TMRO of the Minister's decision to publish a notice under subsection 269TG(2) of the *Customs Act 1901* (the Act) in respect of certain clear float glass from China, Indonesia and Thailand. Notice of the review was given on 14 December 2011. The applicants for review were the Indonesian Flat and Safety Glass Association (AKLP), Ministry of Trade of the Republic of Indonesia, Guardian Industries Corp. Ltd (Guardian), JELD-WEN Inc, JELD-WEN Glass Australia Pty Ltd and JELD-WEN Australia Pty Ltd (together JELD-WEN), PT Muliaglass (Muliaglass) and PT Asahimas Flat Glass Tbk and ACG Flat Glass Asia Pacific Pty Ltd (Asahimas).

As a result of the TMRO's recommendations, the CEO has been directed to reinvestigate its findings to the limited extent that section 269TG(3B) of the *Customs Act 1901* should be applied so as to have regard to the export prices and normal values of Xinyi Ultrathin (Donguan) Co., Ltd (Xinyi) and Asahimas in setting dumping margins in respect of residual exporters from China and Indonesia respectively (and, if necessary, reconsider the materiality of the injury to the Australian industry).

The CEO must conduct an investigation in accordance with the Minister's requirements and give the Minister a report of the investigation concerning the finding or findings within the specified period.

The Minister has directed the CEO to report the result of the reinvestigation to him by 28 April 2012.

In the report the CEO must:

- (a) if the CEO is of the view that the finding or any of the findings the subject of reinvestigation should be affirmed – affirm the finding or findings; and
- (b) set out any new finding or findings that the CEO made as a result of the reinvestigation; and
- (c) set out the evidence or other material on which the new finding or findings are based; and
- (d) set out the reasons for the CEO's decision.

Procedures for the reinvestigation

The officers conducting the reinvestigation will not be those who undertook the original investigation.

As noted above, the CEO is required to conduct the reinvestigation in accordance with the Minister's requirements and, as such, must only have regard to the information and conclusions to which the TMRO was permitted to have regard.

No new information or conclusions may be considered in a reinvestigation. All relevant information is available to interested parties through the public record of the original investigation maintained by Customs and Border Protection and the public record of the review maintained by the TMRO.

There is no legislative requirement to maintain a public record, or to publish a SEF, in a reinvestigation. As such, Customs and Border Protection will not be maintaining a public record for the reinvestigation, nor will it be publishing a SEF prior to reporting the results of the reinvestigation to the Minister.

Customs and Border Protection contact

Administrative enquiries about this notice may be directed to the reinvestigation team by telephone on +61 2 6275 6403. Submissions may be lodged by facsimile on +61 2 6275 6990, or by e-mail to tmops1@customs.gov.au.

JUSTIN WICKES
A/g National Manager
International Trade Remedies Branch
CANBERRA ACT

13 March 2012