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# ANTI-DUMPING NOTICE NO 2024/066

## Public notice under section 269TC(4) of the *Customs Act 1901*

### Clear laminate glass

### Exported to Australia from the People's Republic of China and the Kingdom of Thailand

### Initiation of Investigation No 656 into alleged dumping and subsidisation

*Customs Act 1901* – Part XVB<sup>1</sup>

I, Isolde Lueckenhausen, Acting Commissioner of the Anti-Dumping Commission (the Commissioner),<sup>2</sup> have initiated an investigation following an application lodged by Oceania Glass Pty Ltd (Oceania Glass), a manufacturer of clear laminate glass (the goods) in Australia.

The application seeks the publication of a dumping duty notice in respect of the goods exported to Australia from the People's Republic of China (China) and the Kingdom of Thailand (Thailand), and a countervailing duty notice in respect of the goods exported from China.<sup>3</sup>

The application alleges that the goods have been exported to Australia at prices less than their normal value and were in receipt of countervailable subsidies, and that the dumping and subsidisation has caused material injury to the Australian industry producing like goods through:

- loss of sales volumes
- lower production volumes
- price suppression

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<sup>1</sup> All legislative references in this notice are to the *Customs Act 1901* (Cth) unless otherwise specified.

<sup>2</sup> References in this document to individuals holding positions within the Anti-Dumping Commission (commission) are references to whoever occupies the position at the time. This includes when the position is held in an acting capacity.

<sup>3</sup> Oceania Glass previously applied for dumping and countervailing duty notices on clear laminate glass, and an investigation was initiated on 25 June 2024 (Investigation 647). However, on 26 August 2024, Oceania Glass withdrew that application. Oceania Glass has subsequently made a new application, which is largely similar to its previous application with the differences in the goods description, along with other consequential changes.

- price depression
- loss of profits
- loss of profitability
- reduced capital investment
- reduced return on investment
- reduced capacity
- reduced employment
- reduced productivity, and
- reduced cash flow.

The non-confidential version of the application contains the basis of the alleged dumping, subsidisation and material injury to the Australian industry. The application is available on the electronic public record (EPR) for this case.<sup>4</sup> The EPR can be found on the commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au)

Reasons for the decision to initiate this investigation are in *Anti-Dumping Commission Consideration Report No 656 (CON 656)*,<sup>5</sup> which is available on the EPR. CON 656 outlines the basis upon which dumping and subsidisation is alleged to have occurred. Additionally, the factors upon which the allegation of material injury to the industry is based are also summarised in the report.

In accordance with section 269ZI(3), a copy of this notice and accompanying reasons will be provided to each of the countries whose exporters are affected by the decision to not reject the application.

The date of initiation of this investigation is the date of publication of this notice.

### **Particulars of the goods**

The goods the subject of the application are:

*Clear Laminate Glass (CLG) in actual thickness of between 5 and 13 millimetres (mm). All CLG within this thickness range is included.*

The goods the subject of the application have the following characteristics:

- are often referred to as architectural laminate glass or annealed laminate glass
- contain clear substrate glass (coatings may or may not be present on the surface of the glass)
- are manufactured in flat sheets of any size
- are rectangular or square in shape
- contain two sheets of annealed glass (the two glass sheets being the same or of different thickness)
- contain an interlayer, which can be made up of one or multiple sheets of interlayer of varying thickness, colour and opacity
- can be packaged as loose packs or in end-caps.

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<sup>4</sup> EPR 656, document no 1.

<sup>5</sup> EPR 656, document no 2.

Glass with the following characteristics are not the goods the subject of the application:

- laminated glass defined as custom/speciality<sup>6</sup>
- laminated glass that is wired
- laminated glass that is bent, edge-worked, engraved, drilled, enamelled, or otherwise worked
- laminated glass that is framed or fitted with other materials
- laminated glass that is toughened (tempered)
- laminated glass that is acid etched
- laminated glass made of low iron.

### **Tariff classification**

The goods are generally, but not exclusively, classified to the following tariff classification in Schedule 3 to the *Customs Tariff Act 1995*:

- 7007.29.00 (statistical codes 15 and 18)

This tariff classification and statistical codes may include goods that are both subject and not subject to this investigation. The listing of this tariff classification and statistical codes are for convenience or reference only and do not form part of the goods description set out above. Please refer to the goods description for authoritative detail regarding the particulars of the goods the subject of this investigation.

### **Investigation process**

The investigation period is 1 April 2023 to 31 March 2024. I will examine exports to Australia of the goods during this period to determine whether dumping and subsidisation has occurred. I will examine details of the Australian market from 1 April 2020 for the purposes of injury analysis.

Where the Minister for Industry and Science (the Minister) is satisfied, as to goods of any kind, that:<sup>7</sup>

- (a) the amount of the export price of the goods that have been exported to Australia is less than the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods, and

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<sup>6</sup> These products comprise two sheets of float glass that have been toughened first then bonded with the interlayer. The toughening process takes normal annealed float glass and converts it into safety glass. Such products, which include automotive windows, shower screens and glass table-tops, are stronger than annealed glass. Custom toughened laminate glass is made to the size required by the customer, as toughened glass cannot be further cut. Conversely, Oceania Glass' annealed CLG can be cut to size by the end customer.

<sup>7</sup> In accordance with section 269TG.

- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered,

the Minister may, by public notice, impose interim dumping duties.

Where the Minister is satisfied, as to goods of any kind, that:

- (a) a countervailable subsidy has been received in respect of the goods that have been exported to Australia, and (if applicable) may be received in respect of like goods that may be exported to Australia in the future, and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered,

the Minister may, by public notice, impose interim countervailing duties.<sup>8</sup>

Where there are grounds for the Minister to publish a dumping duty notice applying to China and Thailand in respect of the goods and a countervailing duty notice applying to China in respect of the goods, I will examine whether the trade in the dumped or subsidised goods gives rise to retrospective notices being published pursuant to section 269TN of the Act, and make recommendations to the Minister accordingly.<sup>9</sup>

### **Proposed model control code structure**

The commission undertakes model matching using a Model Control Code (MCC) structure to identify key characteristics that will be used to compare the goods exported to Australia and the like goods sold domestically in the country of export.<sup>10</sup>

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<sup>8</sup> In accordance with section 269TJ.

<sup>9</sup> In accordance with sections 269TG(1) and TJ(1).

<sup>10</sup> Guidance on the commission's approach to model matching is in the Dumping and Subsidy Manual, available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

The table below outlines the commission’s proposed MCC structure for this investigation.<sup>11</sup>

Category	Sub-category	Sales data	Cost data
6 mm	Not applicable	Mandatory	Mandatory
7 mm			
8 mm			
9 mm			
10 mm			
11 mm			
12 mm			

Proposals to modify the proposed MCC structure should be raised as soon as is practicable but no later than **23 October 2024**.

Interested parties are encouraged to make a submission on whether any proposed modifications to the MCC structure should be accepted by the commission. Any changes to the MCC structure will be considered by the commission and reported in verification reports or in the statement of essential facts (SEF).

### **Public record**

I must maintain a public record of each investigation. Documents included in the public record are available at [www.adcommission.gov.au](http://www.adcommission.gov.au)

The public record will contain, among other things, a copy of the application, CON 656,<sup>12</sup> and copies of all non-confidential submissions from interested parties. Letters and emails are generally regarded as submissions if they contain information relevant to the investigation.

### **Lodgement of submissions**

Interested parties, as defined by section 269T(1), are invited to lodge submissions concerning the publication of the dumping and countervailing duty notices sought in the application, no later than **23 October 2024**, addressed to:

The Director  
 Investigations  
 GPO Box 2013  
 Canberra ACT 2601  
 Australia

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<sup>11</sup> EPR 656, document no 1, p 13. In its application Oceania Glass specifies that CLG can be distinguished by reference to its substance, which refers to CLG thickness. The relevant standard thickness points are 6 mm through to 12 mm inclusive. Thickness tolerances begin at 5 mm up to and inclusive of 13 mm. The actual thickness of the goods should be grouped within the relevant categories below. Any goods between 5 mm and 6 mm actual thickness should be included in the 6 mm category. Any goods of 13 mm actual thickness should be included in the 12 mm category.

<sup>12</sup> EPR 656, document no 2.

or by email to [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au)

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that I am not obliged to have regard to a submission received after the date above if to do so would, in my opinion, prevent the timely placement of the SEF on the public record.<sup>13</sup>

Interested parties should also note that I am directed to consider the matters set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* in certain circumstances.<sup>14</sup> This is available at: [www.legislation.gov.au](http://www.legislation.gov.au)

Interested parties may reply to matters raised by other parties during the investigation and in response to the SEF.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "OFFICIAL: Sensitive". Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

### **Lodgement of exporter questionnaires**

Exporters of the goods to Australia are invited to participate in this investigation by completing the exporter questionnaire and the associated spreadsheets by **23 October 2024**.

The exporter questionnaire and the associated spreadsheets are available on the EPR case information page for case number 656 (which can be found under 'current cases and the electronic public record' on the commission website, [www.adcommission.gov.au](http://www.adcommission.gov.au)). Alternatively, exporters can email [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au) and the commission will forward the exporter questionnaire and spreadsheets for completion.

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<sup>13</sup> Under section 269TDAA(3).

<sup>14</sup> Certain powers and functions under the *Customs (Extensions of Time and Non-cooperation) Direction 2015* have been delegated to the Anti-Dumping Commission's Deputy Commissioners (Anti-Dumping Notice No 2017/10, available at [www.adcommission.gov.au](http://www.adcommission.gov.au) refers).

If an exporter submits an exporter questionnaire, the commission may visit its premises to verify the information (see ADN 2016/30). If an exporter does not participate in the investigation, the commission will calculate a dumping margin having regard to all relevant information.<sup>15</sup>

The commission may use the responses to exporter questionnaires to determine whether sampling is required due to the large number of exporters of the goods such that it is not practicable to examine the exports of all those exporters.<sup>16</sup>

### **Provisional measures**

Pursuant to section 269TD, I will make a preliminary affirmative determination (PAD) provided I am satisfied that there appears to be sufficient grounds for the publication of a dumping or countervailing duty notice or there appears that there will be sufficient grounds for the publication of a dumping or countervailing duty notice subsequent to the importation of the goods into Australia. This can occur no earlier than day 60 of an investigation.

In accordance with section 269TD, the Commonwealth may apply provisional measures, including the taking of securities under section 42, in respect of interim dumping and/or countervailing duty that may become payable on the goods, where: a PAD has been made; and the Commissioner is satisfied that it is necessary to do so to prevent material injury to an Australian industry occurring while the investigation continues.

Where a PAD is not made 60 days after initiation of the investigation, the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the PAD Direction) directs me to publish a status report providing reasons why a PAD was not made. The PAD Direction is available on the Federal Register of Legislation website at [www.legislation.gov.au](http://www.legislation.gov.au)

### **Statement of essential facts**

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. In accordance with section 269TDAA of the Act, a SEF will be placed on the public record by **6 January 2025**,<sup>17</sup> or by such later date as allowed in accordance with section 269ZHI.<sup>18</sup> The SEF will set out the essential facts on which I propose to base my recommendations to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of it being placed on the public record.

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<sup>15</sup> Under section 269TACAB.

<sup>16</sup> Under section 269TACAA.

<sup>17</sup> The due date is 4 January 2025, however, as this falls on a Saturday, the effective due date is the following business day.

<sup>18</sup> On 14 January 2017, certain powers and functions of the Minister under section 269ZHI were delegated to the Commissioner. Refer to ADN No 2017/10 for further information.

Submissions received in response to the SEF within 20 days of that statement being placed on the public record will be taken into account in completing the report and recommendations to the Minister.

### **Report to the Minister**

Recommendations to the Minister will be made in a report on or before **18 February 2025** (or such later date as allowed under section 269ZHI) based on the examination of exportations of the goods to Australia during the investigation period, unless I terminate the investigation.

The Minister must make a declaration within 30 days after receiving the report, or such longer period as the Minister considers appropriate.

### **Anti-Dumping Review Panel**

Certain persons will have the right to seek review with the Anti-Dumping Review Panel in accordance with Division 9 of Part XVB in relation to a decision by me to terminate the investigation or a decision of the Minister to publish or not to publish a dumping duty notice and countervailing duty notice after considering my report.

### **Interested party list**

Throughout the investigation, the commission will maintain an internal list of interested parties. Updates on the investigation will be sent to parties on this list. If you would like to be added to the interested party list, please email [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au)

### **Anti-Dumping Commission contact**

Enquiries about this notice may be directed to the client services on telephone number 02 6213 6000 or [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au)

Isolde Lueckenhausen  
Acting Commissioner  
Anti-Dumping Commission

16 September 2024