



ANTI-DUMPING NOTICE NO 2024/088

Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

Clear laminate glass exported to Australia from the People's Republic of China and the Kingdom of Thailand

Investigation No 656 into alleged dumping and subsidisation

Day 60 Status Report

Introduction

This Status Report concerns the investigation into the alleged dumping and subsidisation of clear laminate glass (the goods) exported to Australia from the People's Republic of China (China) and the Kingdom of Thailand (Thailand). The Status Report reflects the status of the investigation at day 60.

This Status Report sets out the reasons why I, Isolde Lueckenhausen, Acting Commissioner of the Anti-Dumping Commission (the commission), have not made a preliminary affirmative determination (PAD) on day 60.

I note that I may make a PAD at any time from day 60 onwards if I am satisfied the requirements of section 269TD(1) of the *Customs Act 1901* (Cth)¹ have been met.

Background

On 16 September 2024, I initiated an investigation into the alleged dumping and subsidisation of clear laminate glass after Oceania Glass Pty Ltd (Oceania Glass) made an application under section 269TB. Further details can be found in the public notice published on 16 September 2024 (refer to Anti-Dumping Notice (ADN) 2024/066 at www.adcommission.gov.au).²

Under section 269TD(1), I may make a PAD at any time not earlier than 60 days after I initiate an investigation in relation to the publication of a dumping duty and countervailing duty notice, if I am satisfied that:

- there appears to be sufficient grounds for the publication of such a notice or
- it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

¹ All legislative references in this report are to the *Customs Act 1901* (Cth) unless otherwise specified.

² Electronic public record (EPR) 656, document no 2.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

Information considered

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with section 269TD(2), had regard to:

- Oceania Glass' application
- data from the Australian Border Force import database
- the following information received within 37 days after the date of initiation of the investigation:
 - submissions in response to the initiation of the investigation
 - importer questionnaire responses
 - exporter questionnaire responses and
 - supporting data and evidence provided during onsite verification of Oceania Glass' application and data.³

Australian Industry

The commission conducted onsite verification from 15 October 2024 to 18 October 2024 of Oceania Glass' application, supporting data and evidence provided.⁴ During verification, the commission requested that Oceania Glass provide further evidence and data, which is critical to the assessment of the applicant's claims of material injury.⁵ The commission is continuing its analysis of the additional data and evidence Oceania Glass provided.

Exporters

On 24 October 2024,⁶ the commission published a status report outlining the 5 exporter questionnaires received by day 37 and the extensions of time granted to 3 exporters to submit exporter questionnaire responses. At the time of this status report, the 3 exporters granted extensions of time have been granted second extensions of time. Responses from these 3 exporters are due on 27 November 2024.

The commission has undertaken a preliminary assessment of all exporter questionnaire responses received by day 37, submitted by:

- All Glass (Suqian) Holding Co., Ltd
- Jiangsu Jingtai Glass Co., Ltd
- Qingdao Jundun Glass Co., Ltd
- Guardian Industries Group Corp and
- Jiangsu Baynano Glass Technology Co., Ltd.

³ The commission is still progressing its verification findings and report.

⁴ The commission held an additional verification meeting with Oceania Glass on the 6 November 2024. The details of the verification conducted from 15 October 2024 to 18 October 2024 and the additional meeting on 6 November 2024 will be outlined in the verification report.

⁵ At the time of making this report, the commission has received some of the requested additional data. Further analysis and consideration of the provided information is required.

⁶ EPR 656, document no 11.

On 14 November 2024,⁷ the commission published a file note that outlined clarification of the goods description and amendments to the model control code (MCC) structure outlined in ADN 2024/066. The file note detailed that participating exporters were required to provide updated data for additional MCC categories. The commission has requested that participating exporters provide this information no later than **5 December 2024**.

Dumping Investigation – China and Thailand

I am not satisfied that there appears to be sufficient grounds, at this stage of the investigation, to establish that the goods exported to Australia at dumped prices have caused material injury to the Australian industry producing like goods.

The commission notes that cooperating exporters are required to provide further data as a result of the clarification of the goods description and amended MCC structure outlined in the file note published on 14 November 2024. Upon receipt of this information the commission will be in a position to undertake preliminary dumping margin calculations and then assess whether any dumped imports have caused material injury to the Australian industry.

The commission is continuing its analysis of the questionnaire responses, submissions received and conducting its verification processes.

Countervailing Investigation – China

The commission is yet to fully complete its preliminary consideration of whether exporters from China are in receipt of countervailable subsidies in respect of clear laminate glass exported to Australia from China during the investigation period.

The Government of China (GOC) did not provide a response to the foreign government questionnaire sent by the commission on 16 September 2024. At the time of making this report, further analysis of the information available is required to adequately consider whether the goods have been exported to Australia at subsidised prices.

Reasons for publishing a Status Report

The commission is currently examining various issues in the investigation, including:

- export prices and normal values of the goods exported from China and Thailand
- whether, because of a situation in the Chinese domestic market, sales of like goods in this market are not suitable for use in determining normal values under section 269TAC(1)
- the level (if any) of countervailable subsidies received by exporters from China
- volumes of the goods exported from China and Thailand
- the Australian market for the goods.

These issues are critical to ascertain:

- if the goods exported from China and Thailand have been dumped at above negligible levels
- if the goods exported from China have been subsidised at above negligible levels, and
- whether those goods, if dumped or subsidised at above negligible levels, have caused or are causing material injury to the Australian industry.

⁷ EPR 656, document no 11.

These issues are critical to determining whether there are sufficient grounds for the publication of a dumping duty notice in respect of goods exported from China and Thailand and a countervailing duty notice in respect of goods exported from China.

At the time of making this report, I am not yet satisfied that there appears to be sufficient grounds for the publication of dumping duty notices in respect of goods exported from China and Thailand and a countervailing duty notice in respect of goods exported from China and have not made a PAD.

Other considerations

Relevant matters – section 269TD(2)(b)

In accordance with the Direction and for the purposes of section 269TD(2)(b), I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted.

I have decided it is not yet warranted to make a PAD, at this particular time, because I am not satisfied that there appear to be sufficient grounds for the publication of a dumping and countervailing duty notices for the reasons outlined above.

I will continue to assess the need for a PAD and may make one as soon as I am satisfied there appears to be sufficient grounds to do so on the basis of the evidence before me.

Reconsideration of making a PAD – section 269TDAA

The Direction requires me to reconsider whether or not to make a PAD at least once prior to the publication of Statement of Essential Facts (SEF), as required under section 269TDAA. I am due to publish the SEF on **6 January 2025**.⁸ Prior to the publication, or in the SEF, I will advise whether I made a PAD after this report and the reasons for decision.

Anti-Dumping Commission Contact

Enquiries about this report may be directed to the case manager on telephone number 03 8539 2562 or at investigations4@adcommission.gov.au

Isolde Lueckenhausen
Acting Commissioner
Anti-Dumping Commission

15 November 2024

⁸ The due date is 4 January 2025, however, as this falls on a Saturday, the effective due date is the following business day.