

Ref. No.  /DAGLU.6/SD/03/2021

Jakarta,  March 2021

The Director, Investigations 3

Anti-Dumping Commission

GPO Box 2013

Canberra ACT 2601

Subject : Submission on the Initiation of A Continuation Inquiry of Anti-Dumping Measures in respect of Clear Float Glass Exported to Australia from the People's Republic of China (China), the Republic of Indonesia (Indonesia), and the Kingdom of Thailand (Thailand)

Dear Sir,

The Government of Indonesia (GOI) refers to the Anti-Dumping Notice No. 2021/010 dated February 02, 2021, issued by the Anti-Dumping Commission on the aforementioned subject investigation. The GOI hereby would like to address concerns regarding the initiation, as follows:

1. The GOI has noticed that the current Anti-Dumping measures have been imposed for almost 10 years and the current imposition is set to expire in October 2021. The GOI is of the view that the Petitioner has enjoyed 10-year-long protection from imported products and has been provided ample time to recover from injury. Therefore, a continuation of Anti-Dumping measures is unwarranted.
2. Further, the GOI also noticed that the Petitioner on this investigation, Oceania Glass Pty Ltd (Oceania Glass), is not the same company who applied an anti-dumping investigation on the original case as well as on the first review, namely Viridian Glass. The GOI further observed that Viridian Glass was sold by CSR Limited to Crescent Capital Partners (Crescent) by the end of 2018. Following such transfer of ownership, Viridian Glass has been separated into two businesses since 1 February 2019 namely Viridian Glass and Oceania Glass. The Petitioner specifically stated in the petition that "Viridian Glass is involved in the processing of glass which involves the manufacture of high-performance double glazing, custom lamination, cut to size product and custom decorative solutions. Oceania Glass is a separate legal entity that specializes in the manufacturing, selling, and distribution of flat architectural glass and is the only operator of a float glass manufacturing line in Australia."¹

Despite the fact that Oceania Glass is currently the only producer of Clear Float Glass in Australia and therefore can represent as a domestic industry, the GOI believes that it is of utmost importance for the Authority to further examine the economic and non-economic influencing factors on the transfer of ownership of Viridian Glass from CSR Limited to Crescent. It is our understanding that such ownership transfer was mainly due to economic

¹ Application for the continuation of a dumping and/or countervailing notice or continuation of an undertaking, page 7.

inefficiency which resulted in consistent losses for the company. As such, any claim of material injury made by the Petitioner should not be attributed to imported products.

3. The GOI would like to highlight the inexistence of confidential data summary by the Petitioner. The omission of such data is not in accordance with Article 12.1.1 of the Anti-Dumping Agreement (ADA). Furthermore, questions should be raised on the determination of the POI period which does not reflect data during the POI, hence are used to determine margin dumping calculation. The GOI would request the Authority to probe and demand such data to the Petitioner and make this available to interested parties to abide by regulations set forth in the ADA. Further, the absence of such information is prejudicial to the interests of GOI and Indonesian exporters as we are not able to properly and adequately defend our interests.
4. Moreover, the GOI would like to emphasize that despite the increasing volume of Clear Float Glass imported from Indonesia by 47,09 percent in 2020 as compared to 2019, its trend was decreasing for the past four years. Indeed, it was lower by 7,67 percent as can be seen in the table provided below. A similar negative trend also exists in the volume of imported Clear Float Glass from the other countries subject to this investigation, namely China and Thailand, a decrease by 41,32 percent and 7,8 percent respectively. In contrast, the volume of imported Clear Float Glass from Malaysia, a non-subject country, showed a tremendous growth of 109,52 percent, for the past four years. Even more so, Malaysian Clear Float Glass was able to enter the Australian market by nearly double in 2020 as compared to the previous year. The Petitioner, however, did not provide any explanation on the impact of such a significant increase of imports from Malaysia during the period of investigation to the injury that the domestic industry claimed to suffer.

List of supplying markets for a product imported by Australia

Product: 700529 Float glass and surface ground and polished glass, in sheets, but not otherwise worked (excluding wired glass or glass colored throughout the mass "body tinted", opacified, flashed or merely surface ground, or glass having an absorbent, reflecting, or non-reflecting layer)

No	Exporters	Imported quantity, 1000 square meters				Share (%)	Change (%)	Trend (%)
		2017	2018	2019	2020	2020	2019/2020	2017 - 2020
	World	5.139	5.381	4.720	3.415	100,00%	-27,65%	-12,69
1	Malaysia	108	161	345	986	28,87%	185,80%	109,52
2	United Arab Emirates	1.237	1.686	1.748	673	19,71%	-61,50%	-16,39
3	Indonesia	683	540	395	581	17,01%	47,09%	-7,67
4	China	1.646	752	436	334	9,78%	-23,39%	-41,32
5	Thailand	375	476	310	330	9,66%	6,45%	-7,80
6	Other	1.089	1.765	1.486	511	14,96%	-65,61%	-21,67%

Source: Trademap, March 2021

In addition, it is also important to note that the volume of imports from the United Arab Emirates, another non-subject country, was substantial during the period of investigation. It became the second-largest supplier of the concerning products for the Australian market in 2020. The Petitioner also did not provide any analysis on this matter either. As such, we

believe that the petition contains a deficiency for which the Authority should disregard the application in the first place. Further, the GOI is of the view that the anti-dumping imposition itself has halted and decreased imports volume during its implementation, thus providing domestic industry the advantage to cope with international trade activities.

Based on these concerns, the GOI strongly refutes the continuation of Anti-Dumping measures against imports of Clear Float Glass from Indonesia.

Thank you for your kind attention and consideration.

Yours Sincerely,

A handwritten signature in blue ink, appearing to be 'Pradnyawati', written in a cursive style.

Pradnyawati
Director of Trade Defense

C.c.:

1. Director-General of Foreign Trade, MoT;
2. Secretary of Directorate General of Foreign Trade, MoT;
3. Ambassador of the Republic of Indonesia in Canberra, Australia;
4. Ambassador of Australia in Jakarta, Indonesia.