

2 August 2021

The Director  
Investigations 3  
Anti-Dumping Commission  
GPO Box 2013  
Canberra ACT 2601

Email: [Investigations3@adcommission.gov.au](mailto:Investigations3@adcommission.gov.au)**Public File**

Dear Sir/Madam

**Investigation 575 – Clear float glass exported from China, Indonesia and Thailand – responses concerning Statement of Essential Facts No. 575****I. Introduction**

Oceania Glass Pty Ltd ("Oceania Glass") has reviewed the following responses following the recent publication of Statement of Essential Facts No. 575 ("SEF 575"):

- Government of Indonesia (EPR Document No. 028);
- PT Asahimas Flat Glass, Tbk and AGC Asia Pacific Pte Ltd (EPR Document No. 027);
- Guardian Industries (EPR Document 025); and
- Email on behalf of Guardian Industries Corp (EPR Document No. 029).

Oceania Glass seeks to comment on each of the published submissions.

**II. Government of Indonesia**

The Government of Indonesia ("GOI") does not consider that the Anti-Dumping Commission ("the Commission") has conducted Investigation 575 in a fair and consistent manner. It argues that the price undercutting by Pt Asahimas' exports in the investigation period were insignificant and could not be considered influential on the Australian industry's prices.

Oceania Glass disagrees. PT Asahimas continued to export at dumped prices throughout the investigation period. The margins of dumping were not insignificant. The price undercutting in the last quarter of the investigation period was in the range 17% to 30%. PT Asahimas has continued to export to Australia whilst the measures have applied, and the exporter maintains excess production capacity.

As PT Asahimas have continued to export at dumped prices, the margins of dumping and price undercutting are both significant, and as the exporter retains excess capacity for the goods, Oceania Glass agrees with the



Commission's assessment that future exports of CFGH to Australia are likely and that the exports will result in a recurrence of material injury should the measures expire.

Oceania Glass submits that the Commissioner's recommendations to the Minister to continue the measures on PT Asahimas is well founded.

### III. PT Asahimas

This submission contends that volumes from PT Asahimas were in decline over the period 2016 to 2020. Whilst this may be the case, the key factors referenced above remain evident.

It is noted that the PT Asahimas submission has referenced Articles 3.1 and 3.2 of the Anti-Dumping Agreement. It should be remembered that the referenced articles apply for an authority considering the imposition of measures – not the continuation of those measures.

It is noted that PT Asahimas contends that it does not have excess capacity for production of CFG. However, it does confirm that PT Asahimas increased production capacity by 150,000 tonnes in 2019. This confirms the availability of additional capacity to supply to Australia should the measures be allowed to expire. The PT Asahimas submission has not raised any new matters that suggest the Commission has relied on information that is incorrect or inaccurate. Oceania Glass therefore considers that the Commission's recommendation to continue the measures on exports of CFG by PT Asahimas is based upon reliable facts.

### IV. Guardian Industries

It appears that Guardian Industries ("Guardian") by its own interpretation of SEF 575 is concerned that the Commission may recommend that the measures continue to apply to Guardian as it was found to have exported at dumped prices and during the investigation period, has retained distribution channels into the Australian market and, most relevantly, re-commence exportation of the grades of CFG if the measures are allowed to expire.

Oceania Glass reiterates its concerns detailed in its 27 July 2021 submission that confirms exports by Guardian at dumped prices are likely should the measures expire (particularly given the Commission's analysis confirming that Guardian exports from its facility that is geographically closest to the intended market (i.e. export from Thailand to Australia).

Oceania Glass further notes the submission of 30 July 2021 on behalf of Asahimas. Guardian accuses Oceania Glass of misleading the Commission with regards to the content of Table 1. It is very clear that the goods listed in Table 1 are for goods under 5mm (which includes the subject goods). The data obtained from the Thai Customs website was used for comparison purposes between for exports of CFG to Australia versus New Zealand. Interestingly, export prices into New Zealand were at lower export prices than those to the larger Australian market.

It is not clear on what basis Guardian can assert it "is not capable" of exporting to Australia from Thailand. In the absence of measures in Australia, CFG exports to Australia would be of greater benefit to Guardian than exporting into New Zealand.





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Finally, Oceania Glass does not consider comments attempting to deflect Guardian's interest in the Australian market (as highlighted by its Asia Pacific General Manager) or its past history to circumvent the measures, can be ignored. Both are relevant factors that indicate the resumption of exports from Thailand is likely should the measures be allowed to expire.

If you have any questions concerning this submission, please do not hesitate to contact me.

Yours sincerely,

Anthony Alembakis  
Chief Financial Officer

