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## Anti-Dumping Notice No. 2021/081

*Customs Act 1901*

# ***Customs (Preliminary Affirmative Determinations) Direction 2015***

## **Clear Float Glass**

### **Exported to Australia from Malaysia and the United Arab Emirates**

## **Investigation No. 582 into alleged dumping and subsidisation**

### **Day 60 Status Report**

#### **Introduction**

The purpose of this Status Report is to set out the reasons why I, Dr Bradley Armstrong PSM, Commissioner of the Anti-Dumping Commission (Commissioner) have not made a preliminary affirmative determination (PAD) under section 269TD(1) of the *Customs Act 1901* (the Act) on 26 June 2021,<sup>1</sup> being, 60 days after the initiation of the investigation into the alleged dumping of clear float glass (CFG or the goods) exported to Australia from Malaysia and the United Arab Emirates (UAE), and the subsidisation of CFG exported to Australia from Malaysia.

This report and the findings contained herein reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification. Accordingly, I, at any time from this day, may make a PAD if I am satisfied of the requirements set out in section 269TD(1) of the Act.

#### **Background**

On 27 April 2021, I initiated an investigation into the alleged dumping and subsidisation of CFG following an application by Oceania Glass Pty Ltd (Oceania Glass) under section 269TB of the Act. Further details can be found in the public notice published on 27 April 2021 (refer to *Anti-Dumping Notice No. 2021/054* at [www.adcommission.gov.au](http://www.adcommission.gov.au)).

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<sup>1</sup> Day 60 of the investigation is 26 June 2021. As this is a Saturday, the earliest day a PAD can be made is the next business day, Monday 28 June 2021.

Under section 269TD(1) of the Act, I may make a PAD at any time, not earlier than 60 days after I initiate an investigation for the publication of a dumping duty or 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.

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.

## Reasons

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

- Oceania Glass's application; and
- submissions received in response to the initiation of the investigation.

The Commission is currently examining various issues which have been raised during the investigation, including:

- appropriate adjustments required to determine normal value;<sup>2</sup> and,
- the level (if any) of countervailable subsidies received by Malaysian exporters.<sup>3</sup>

These issues are critical to determining whether the goods are dumped and/or subsidised and therefore whether there are sufficient grounds for the publication of a dumping duty notice and/or a countervailing duty notice.

The receipt of information from the Government of Malaysia and certain participating exporters that is relevant to my assessment has been delayed by circumstances arising from the COVID-19 pandemic. Moreover, the Commission has not previously investigated either of the subject countries in relation to the goods. As such, the Commission does not have historic data regarding exports of the goods from these countries and like goods sold on those domestic markets that could be relevant to its analysis in this investigation.

The Commission will continue to verify information as it is received from interested parties. Based on the information available at day 60 of the investigation, I am not satisfied that there appear to be sufficient grounds for the publication of a notice or that it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

Accordingly, I have not made a PAD.

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<sup>2</sup> Chapter 3.4.3 of *Consideration Report No. 582* (CON 582) available on the Electronic Public Record at <http://www.adcommission.gov.au>

<sup>3</sup> Chapter 4.3.3 of CON 582.

## **Other considerations**

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

In accordance with the Direction and for the purposes of section 269TD(2)(b) of the Act, I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted. I have decided that making a PAD is not warranted at this particular time, because I am not satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice or countervailing duty notice, for the reasons outlined above. I will continue to assess the need for a PAD and make one as soon as there appears to be sufficient grounds to do so based on the evidence available to me.

### *Reconsideration of making a PAD – section 269TDAA*

After publishing this report, I must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) required under section 269TDAA of the Act. The SEF is due to be published on 16 August 2021.<sup>4</sup> Prior to the publication or in the SEF, I will advise whether I made a PAD subsequent to this report and the reasons for my decision.

## **Anti-Dumping Commission Contact**

Enquiries about this report may be directed to the case manager on telephone number +61 3 8539 2525, or [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au)

Dr Bradley Armstrong PSM  
Commissioner  
Anti-Dumping Commission

28 June 2021

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<sup>4</sup> The due date is 15 August 2021. As this is a Sunday, the effective due date is the next business day, Monday 16 August 2021.