

For publication

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

16 March 2022

investigations3@adcommission.gov.au

Dear Case Manager

Investigation – Dumping and Subsidisation: Clear Float Glass exported to Australia from Malaysia and the United Arab Emirates – Case No. 582

We act for Guardian Zoujaj International Float Glass Co. LLC (**Guardian RAK**) and refer to the Anti-Dumping Commission (**ADC**) investigation into certain clear float glass (**CFG**) products exported to Australia from Malaysia and the United Arab Emirates (**UAE**) following an application lodged by Oceania Glass Pty Ltd (**Applicant**).

We refer to the Applicant's second further supplementary submission dated 7 March 2022, in response to Guardian RAK's submission dated 3 March 2022.

Guardian RAK responds as follows (adopting the numbering sequence of the Applicant's submission):

1. Guardian RAK refers to paragraph [3(a)] of its submission dated 3 March 2022. Nothing the Applicant has said denies or reduces the force of those observations.
2. The Applicant is incorrect to say that "*it is not in dispute that Guardian ZAK's [sic] prices are below the Australian industry's selling prices*". There is no finding in the SEF that supports that contention.

In any event, the Applicant's criticism misses the point. As previously submitted, the mere existence of a price differential does not amount to "*price undercutting*". In this respect, Guardian RAK points to its submissions regarding the Applicant's *choice* of a pricing strategy and its ability to command a price premium: see, e.g., submission of 17 January 2022 at [2.3] - [2.5]; submission of 8 February 2022 at [3(b)]; submission of 3 March 2022 at [3(b)] - [3(c)]. Those submissions were not answered or addressed in any meaningful way by the Applicant.

3. Guardian RAK repeats paragraph [2] above, and further notes that the Applicant is incorrect to say that "*selling prices from the UAE [are] the lowest in the market during the investigation period*". That comment is clearly inconsistent with the SEF, including where the ADC found that "*no single exporter remained the lowest priced over the investigation period and all examined exporters had the lowest prices at one point*".
4. It is telling that, despite Guardian RAK's invitation, the Applicant has chosen not to provide any explanation for why the ADC should reject Guardian RAK's submission in respect of the 1 April 2020 increase. As is clear from the evidence provided to the ADC, a written communication signed by the Applicant's CEO was provided to certain customers. If that indication by the CEO regarding price increase was later withdrawn or voided, the Applicant should clearly articulate this so that Guardian RAK can adduce evidence to meet it.

In response to the additional (and gratuitous) commentary at the conclusion of the Applicant's submission, Guardian RAK notes that the Applicant's continued inability to precisely identify the causal

relationship between any alleged dumping and any material injury demonstrates the weakness of its application.

Yours sincerely



Zac Chami, Partner
+61 2 9353 4744
zchami@claytonutz.com

George Pasas, Lawyer
+61 2 9353 5620
gpasas@claytonutz.com

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