



ANTI-DUMPING NOTICE NO. 2019/19

Findings in relation to an anti-circumvention inquiry into the slight modification of goods exported to Australia (Anti-Circumvention Inquiry No. 479)

Clear Float Glass Exported to Australia from the Kingdom of Thailand

Customs Act 1901 – Part XVB

Notice under subsection 269ZDBH(1) of the *Customs Act 1901* and subsection 8(5) of the *Customs Tariff (Anti-Dumping) Act 1975*

Background

The Commissioner of the Anti-Dumping Commission (the Commissioner), has completed the anti-circumvention inquiry, which commenced on 18 June 2018, concerning the export of clear float glass (“the goods”) to Australia from the Kingdom of Thailand (Thailand).

The goods the subject of the original notice (the goods)

The goods exported from Thailand are subject to a dumping duty notice published under subsection 269TG(2) of the *Customs Act 1901* (the Act) on 17 October 2011 (the original notice).¹

The goods the subject of the original notice are:

CFG in nominal thicknesses of 3 to 12 millimetres (mm).

The tolerances for each of these thicknesses are set out in the following table.

Nominal thickness (mm)	Acceptable tolerances (mm)	
	Minimum	Maximum
3	2.80	3.50
4	3.51	4.50
5	4.51	5.50
6	5.51	7.00
8	7.01	9.00
10	9.01	11.00
12	11.01	12.30

¹ It is noted that the original notice applies to the goods from the People’s Republic of China (with the exception of Xinyi Ultrathin (Donguan) Co., Ltd), Indonesia and Thailand. This anti-circumvention inquiry relates only to the goods in respect of Thailand.

The goods have the following characteristics:

- transparent;
- flat; and
- rectangle or square in shape.

Glass with the following characteristics is not the goods the subject of the original notice:

- coated, coloured, tinted or opaque;
- absorbent, reflective or non-reflective layer;
- wired;
- bent, edge-worked, engraved, drilled, enamelled or otherwise worked;
- framed or fitted with other materials;
- toughened (tempered) or laminated;
- acid etched; or
- low iron.

The goods are currently classified under tariff subheading 7005.29.00, statistical codes 3, 4, 5, 6 and 9, as described in Schedule 3 to the *Customs Tariff Act 1995*.

Findings of the anti-circumvention inquiry

The Commissioner has completed his anti-circumvention inquiry and has provided me with the final report that sets out his findings, *Report No. 479 (REP 479)*. Recommendations resulting from the inquiry, reasons for the recommendations and material findings of fact and law in relation to the inquiry are contained in REP 479.

I, Karen Andrews, the Minister for Industry, Science and Technology (the Minister) have considered REP 479 and have decided to accept the recommendations and reasons for the recommendations, including all the material findings of facts or law set out in REP 479.

Alterations to the original notice

Under subsection 269ZDBH(1) of the Act, I DECLARE that for the purposes of the Act and the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act), the original notice under subsection 269TG(2) of the Act be altered in relation to Thailand:

- to change the description of the goods covered by that notice to include the circumvention goods² retrospectively with effect from 18 June 2018;
- to remove the separate variable factors and interim dumping duty (IDD) rate for Guardian prospectively from the date of publication of this notice; and
- to change the form of measures applicable to all exporters from Thailand from the ad valorem duty method to the combination of fixed and variable duty method, prospectively from the date of publication of this notice.

As a result of my above declarations:

- imports of the circumvention goods from Thailand entered for home consumption on and after 18 June 2018 will become subject to IDD. For the period between 18 June 2018 and the date of publication of this notice, the variable factors and

² For a description of the circumvention goods, refer below.

- form of measure relevant to the collection of IDD in relation to the circumvention goods are those previously specified in Anti-Dumping Notice No. 2016/85³; and
- from the date of publication of this notice, imports of the goods and the circumvention goods from all exporters from Thailand will be subject to the variable factors, IDD rate and form of measure set out in the following table.

Thailand	Fixed rate of interim dumping duty	Duty Method
<i>All exporters</i>	25.8%	<i>Combination of fixed and variable duty method</i>

Specification of different goods that are to be the subject of the original notice (the circumvention goods)

The goods the subject of the original notice are altered⁴ to be:

clear float glass (CFG) in nominal thicknesses of 3 to 12 millimetres (mm).

The tolerances for each of these thicknesses are set out in table below.

Nominal thickness (mm)	Acceptable tolerances (mm)	
	Minimum	Maximum
3	2.80	3.50
4	3.51	4.50
5	4.51	5.50
6	5.51	7.00
8	7.01	9.00
10	9.01	11.00
12	11.01	12.30

The goods have the following characteristics:

- transparent;
- flat; and
- rectangle or square in shape.

With respect to exports from Thailand only, CFG with edge working in the form of an ‘arris’, ‘rough arris’ or ‘seamed’ edge (removal of the sharp edges of the glass), on any number of sides or faces is the goods.

With the exception of the above reference to edge-worked glass from Thailand, glass with the following characteristics is not the goods the subject of the original notice:

- coated, coloured, tinted or opaque;
- absorbent, reflective or non-reflective layer;
- wired;

³ This ADN followed *Continuation Inquiry No. 335* and is available at www.adcommission.gov.au.

⁴ Text in bold outlines the changes to the goods the subject to the original notice.

- bent, edge-worked, engraved, drilled, enamelled or otherwise worked;
- framed or fitted with other materials;
- toughened (tempered) or laminated;
- acid etched; or
- low iron.

The goods are currently classified under tariff subheading 7005.29.00, statistical codes 3, 4, 5, 6 and 9, as described in Schedule 3 to the *Customs Tariff Act 1995*. **In relation to Thailand, the goods may also be declared under tariff subheading 7006.00.00, statistical code 49 of Schedule 3 to the *Customs Tariff Act 1995*.**

Public record

REP 479 has been placed on the public record, which may be examined at the Anti-Dumping Commission's office during business hours by contacting the case manager using the contact details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Further information

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel, (www.adreviewpanel.gov.au), in accordance with the requirements in Division 9 of Part XVB of the Act within 30 days of the publication of the Minister's notice.

Genuine importers who have inquiries regarding the anti-dumping measures should contact the Anti-Dumping Commission Client Support team by email at clientsupport@adcommission.gov.au.

Enquiries about this notice may be directed to the case manager on telephone number 03 8539 2418, or +61 3 8539 2418 (outside Australia), fax number +61 3 8539 2499 or email at investigations3@adcommission.gov.au.

Dated this 6th day of March 2019



Karen Andrews

Minister for Industry, Science and Technology