



## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2006/15**

### **Certain Clear Laminated Safety Glass**

**from the People's Republic of China and**

**Republic of Indonesia**

### **Initiation of an investigation into alleged dumping**

#### **CUSTOMS ACT 1901 - PART XV B**

#### **The application**

The Australian Customs Service (Customs) has initiated an investigation into an application lodged by Pilkington (Australia) Limited on behalf of the Australian industry for a dumping duty notice in respect of certain clear laminated safety glass (CLSG), falling within the range of 5.38 mm to 12.38 mm in thickness, exported to Australia from the People's Republic of China (China) and the Republic of Indonesia (Indonesia).

The application alleges that the goods have been exported to Australia at prices less than the normal values and that the dumping has caused material injury to the Australian industry through:

- price depression;
- price suppression;
- loss of market share and volume; and
- reduced profitability.

The public version of the application, available to interested parties (as defined) on request, contains the basis of the alleged dumping.

A notice under subsection 269TC(4) of the *Customs Act 1901* advising initiation of this investigation was published in *The Australian* on 25 May 2006. Interested parties are invited to provide written submissions in response to that notice.

#### **The goods**

The goods under investigation are described by the applicant as clear laminated safety glass for building applications (excluding toughened glass and automotive, tinted and coated laminated safety glass) falling within the range of 5.38 mm to 12.38 mm in thickness, classified to tariff subheading 7007.29.00, with statistical codes 18 (not exceeding 8 mm in thickness) and 19 (exceeding 8 mm but not exceeding 15 mm in thickness) of the *Customs Tariff Act 1995*.

The general rate of duty applicable is 5% and the developing country rate (DCS) is 4%. China and Indonesia are subject to the DCS rate.

## **Investigation process**

The investigation period is 1 April 2005 to 31 March 2006. Customs will examine exports to Australia of the goods under consideration during that period to determine whether dumping has occurred. Customs will examine details of the Australian market commencing 1 April 2002 for injury analysis.

In reaching its findings Customs must consider whether:

- (a) the export price of the goods that have already been exported to Australia is less than the normal value of those goods; and
- (b) the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (c) because of that, material injury to the Australian industry producing like goods has been caused and is likely to continue.

## **Lodgement of submissions**

Parties to the investigation are advised to lodge submissions no later than the close of business on 4 July 2006, addressed to:

The Director  
Trade Measures, Operations 3  
Australian Customs Service  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

Parties to the investigation may be granted an extension of time for lodgement of a submission, provided the request is in writing and is reasonable and practical given the circumstances. Parties may reply to matters raised by other parties during the course of the investigation and in response to the statement of essential facts.

All parties wishing to participate in the investigation must ensure that submissions are lodged promptly. The legislation confers upon Customs the power to disregard submissions received after specified periods if there is insufficient time remaining for their proper consideration.

Customs must maintain a public record of each inquiry. The public record must contain, among other things, a copy of all submissions from parties (letters and electronic mail are generally regarded as "submissions" if they contain information relevant to the inquiry).

Parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business, must:

- provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information, or
- satisfy the CEO that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "In-Confidence".

Parties may lodge a non-confidential version or a summary of their submission in accordance with the requirement above. In either case parties must provide two copies of each for the public record.

The public record may be examined by interested parties at:

Trade Measures Branch  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

To access the public record, contact Trade Measures office management on telephone number (02) 6275 6547.

### **Provisional measures**

A preliminary affirmative determination may be made not less than 60 days from the date of initiation. Provisional measures may be imposed after the preliminary determination has been made.

### **Statement of essential facts**

The dates specified in this notice for lodging submissions must be observed to enable Customs to report to the Minister within the legislative timeframe. A statement of essential facts will be placed on the public record by 12 September 2006 (or by such later date as the Minister may allow). The statement will set out the material findings of fact on which Customs intends to base its recommendation to the Minister. That statement will invite interested parties to respond, within 20 days, to the issues raised.

### **Report to the Minister**

Submissions received in response to the statement will be taken into account in completing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report due on or before 27 October 2006 (or such later date as the Minister may allow).

### **Customs contact**

Inquiries about this notice may be directed to telephone numbers (02) 6275 6041 or (02) 6275 6195, facsimile number (02) 6275 6990 or email [tmops3@customs.gov.au](mailto:tmops3@customs.gov.au). All dumping notices are available on the Customs home page of the internet, [www.customs.gov.au](http://www.customs.gov.au)

ANDREW RICE  
National Manager  
Trade Measures Branch  
25 May 2006