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Customs, Trade and Transport Law e-alert

Australian Customs initiate investigation into alleged dumping of certain Clear Float Glass exported from the People's Republic of China, Indonesia and Thailand

On the 19 April 2010, the Australian Customs and Border Protection Service ("**Customs**") published a notice confirming that it had resolved to initiate an investigation into the alleged dumping of certain clear float glass products ("**CFG**") exported from the People's Republic of China ("**China**"), Indonesia and Thailand. The initiation application was lodged by CSR Viridian Limited ("**Viridian**") which claims to be the sole manufacturer of the products in Australia.

The products have been identified as classified to subheading 7005.29.00 statistical codes 02 to 06 in Schedule 3 of the Customs Tariff Act 1995, depending on nominal thickness. The goods, the subject of the application, are CFG in nominal thickness of 3-12mm. The rate of duty for the goods from China and Indonesia is 4 per cent and from Thailand is free.

Viridian alleges that the products exported from China, Indonesia and Thailand to Australia at prices below their normal values and have caused material injury to the Australian industry through:

- (a) lost market sales volume;
- (b) lost market share;
- (c) price undercutting;
- (d) prices suppression;
- (e) price depression;
- (f) reduced profits and profitability; and
- (g) reduced return on investment.

In its Consideration Report No. 159, Customs notes that none of the three Tariff Concession Orders linked to tariff classification 7005.29.00 are applicable to the CFG products subject to this application. Customs is of the view that the goods must be transparent, flat and rectangle or square in shape and further is of the view that glass with the following characteristics falls outside the description of the goods affected by the investigation:

- (a) coating, colour, tint or opaqueness;
- (b) absorbent, reflective or non-reflective layer;
- (c) wired;
- (d) bent, edge-worked, engraved, drilled, enamelled or otherwise worked;
- (e) framed or fitted with other materials;
- (f) toughened (tempered), annealed or laminated;
- (g) acid etched; and
- (h) low iron.

The notice released by Customs invites interested parties to provide submission concerning the application before close of business on 31 May 2010.

As many of you will be aware, we have extensive experience in acting in anti-dumping measures, whether for Australian industry in the initiation of measures or acting for overseas exporters and Australian importers of goods, the subject of such anti-dumping or countervailing action. As always, we will be pleased to assist parties in relation to this important investigation.

For further information please contact Andrew Hudson.

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