

**IN THE MATTER OF DEFINITIVE ANTI-DUMPING
MEASURE AGAINST THE IMPORTATION OF CLEAR
FLOAT GLASS (AHTN Code 7005.2990)
AND BRONZE FLOAT GLASS (AHTN Code
7005.2190) FROM THE PEOPLE'S REPUBLIC OF
CHINA (PROC)
(Anti-Dumping Case No. 01-2016)
(Investigation No. AD-2016-OC-FloatGlass CN)**

**AGC Flat Glass Philippines, Inc. (AGPH)
Petitioner**

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ORDER

Before the Department of Trade and Industry is the Tariff Commission's Report of Findings on the Anti-Dumping Protest Against the Importation of Clear Float Glass classified under AHTN Code 7005.2990 and Bronze Float Glass classified under AHTN Code 7005.2190 from PROC.

The period of investigation for dumping determination covered imports for the period January to December 2015. However, for the injury determination, the period of investigation considered relevant information for the four (4) year period i.e. 2013 to 2016.

The Commission concluded that:

1. Applicant AGPH is the only manufacturer of clear float glass and bronze float glass in the Philippines during the POI and thus satisfies the domestic industry requirement.
2. The locally produced clear and bronze float glass and the clear and bronze float glass imported from PROC are like products. Both products fall under the same tariff classifications, undergo the same manufacturing process, use the same raw materials, possess the same physical characteristics, and generally have the same uses and application.
3. Clear and bronze float glass originating from PROC were imported into, or sold in the Philippines, at a price less than its normal value during the POI (2015).
4. The volume of dumped clear and bronze float glass imports from PROC exceeded the *de minimis* threshold and hence are not in negligible quantity.
5. Price undercutting is significant as dumped clear and bronze float glass from PROC were priced very much lower than locally-produced float glass.

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6. Price suppression was evident during the POI as AGPH did not raise prices despite increases in COPS in order to remain price-competitive with dumped imports and maintain its share of the market.
7. There is evidence that the domestic industry was materially injured by dumped clear and bronze float glass from PROC as reflected in the declines in sales, both in volume and value, production, capacity utilization, market share and profitability. Despite an increase in demand, AGPH's market position weakened because of dumped imports. Losses from operation were incurred indicating the weakening financial position of the domestic industry, attributed to the dumped imports.
8. While there are other factors that contributed to the impairment in the overall position of domestic industry, the Commission finds that the results, when taken together, show that dumped clear and bronze float glass from PROC in 2015 caused material injury to the domestic industry.

Thus, the Commission having established that dumped imports from PROC caused material injury to the domestic industry, recommended that the corresponding anti-dumping duties shall be imposed on the following exporters from PROC:

EXPORTER	Nominal Thickness (mm)	Dumping Margin	
		Absolute Terms (US\$/MT)	Percentage of Export Price (%)
CLEAR FLOAT GLASS			
1. Rider Glass Company Ltd.	2	4.00	2.12
	3	51.00	35.92
	5	39.00	25.32
	6	26.00	15.57
	10	35.00	22.15
	12	31.00	19.14
	15	0	0
	19	0	0
2. Xinyi Group (Glass) Company Ltd.	4	0	0
	5	0	0
	6	0	0
	8	0	0
	10	0	0
	12	0	0

3. Other Exporters from PROC (All Others Rate*)	2	4.00	2.12
	3	56.00	37.33
	4	0	0
	5	67.00	47.18
	6	57.00	39.04
	8	0	0
	10	65.00	44.83
	12	62.00	43.06
	15	0	0
	19	0	0
BRONZE FLOAT GLASS			
1. Rider Glass Company Ltd.	5	58.00	34.32
	6	59.00	35.12
	10	46.00	24.86
2. Xinyi Group (Glass) Company Ltd.	4	52.00	33.12
	5	0	0
	6	17.00	8.17
	10	71.00	33.49
	12	0	0
3. Other Exporters from PROC (All Others Rate*)	4	52.00	33.12
	5	119.00	85.00
	6	123.00	86.62
	10	167.00	100.00
	12	0	0

* The "All Others Rate" is the anti-dumping duty that shall apply to: (1) exporters who did not make themselves known to the Commission, (2) those who did not cooperate during the investigation, and (3) new exporters who did not export the dumped products to the Philippines during the POI.

Exports by Rider Glass and Xinyi Group Glass on the following nominal thicknesses that they did not export during the POI (2015) shall be imposed an "All Others Rate" as shown below:

EXPORTER	Nominal Thickness (mm)	Dumping Margin	
		Absolute Terms (US\$/MT)	Percentage of Export Price (%)
CLEAR FLOAT GLASS			
1. Rider Glass Company Ltd.	4	0	0
	8	0	0
2. Xinyi Group (Glass) Company Ltd.	2	4.00	2.12
	3	56.00	37.33
	15	0	0
	19	0	0

BRONZE FLOAT GLASS			
Rider Glass Company Ltd.	4	52.00	33.12
	12	0	0

Section 3 (n) of Republic Act 8752 (The Anti-Dumping Act of 1999), as elaborated under Section 18 (g) of its IRR states that:

"New foreign exporters who have not exported the dumped product to the Philippines during the POI may request for an accelerated review provided they are not related to any foreign exporter who is subject to the anti-dumping duty. The application must be submitted to the Commission in writing and must contain:

- 1. a description of the foreign exporter's product; and*
- 2. the basis of the request.*

No anti-dumping duty shall be imposed during the review. A provisional duty may be required to ensure that, in the case of an affirmative findings, the anti-dumping duty can be levied retroactively up to the date of the initiation of the review."

WHEREFORE AND IN VIEW THEREOF, in accordance with Section 3 (l) of RA 8752, which provides that:

"The Secretary shall, x x x from receipt of the affirmative final determination by the Commission, issue a Department Order imposing an anti-dumping duty on the imported product, commodity or article, x x x. He shall furnish the Secretary of Finance with the copy of the order and request the latter to direct the Commissioner of Customs to collect within three (3) days from receipt thereof the definitive anti-dumping duty," "

"In case a cash bond has been filed, the same shall be applied to the anti-dumping duty assessed. If the cash bond is in excess of the anti-dumping duty assessed, the remainder shall be returned to the importer immediately including interest earned, if any: Provided, That no interest shall be payable by the government on the amount to be returned. If the assessed anti-dumping duty is higher than the cash bond filed, the difference shall not be collected."


The Department hereby issues an Order imposing the definitive anti-dumping duties on importation of Clear Float Glass and Bronze Float Glass from PROC for a period of five (5) years with the corresponding duties provided for the above mentioned exporters.

This Order takes effect upon the issuance of the relevant Memorandum Order by the Bureau of Customs or fifteen (15) days after the publication of this Order in two (2) newspapers of general circulation whichever comes earlier.

Let this Order be published in two (2) newspapers of general circulation and let individual notices be sent to all interested parties including the country member concerned.

SO ORDERED.

14 August 2017


RAMON M. LOPEZ
Secretary 