New Antidumping and Countervailing Duty Petitions on Certain Glass Containers from China

By Douglas J. Heffner and Richard P. Ferrin

The American Glass Packaging Coalition (“Coalition”), on September 24, 2019, filed antidumping (AD) and countervailing duty (CVD) petitions on imports of certain glass containers from China. The Coalition filed the petitions on behalf of Anchor Glass Container Corporation, Ardagh Glass Inc., and a third unidentified petitioner.

The U.S. AD law imposes special tariffs to counteract imports that are sold in the United States at less than “normal value.” The U.S. CVD law imposes special tariffs to counteract imports that are sold in the United States with the benefit of foreign government subsidies. For AD/CVD duties to be imposed, the U.S. government must determine not only that dumping and/or subsidies are occurring, but also that there is “material injury” (or threat thereof) by reason of the dumped and/or subsidized imports. Importers are liable for any potential AD/CVD duties imposed. In addition, these investigations could impact purchasers by increasing prices and/or decreasing supply of certain glass containers.

Scope

The merchandise covered by this investigation are certain glass containers with a nominal capacity of 0.059 liters (2.0 fluid ounces) to 4.0 liters (135.256 fluid ounces) and an opening or mouth with a nominal outer diameter of 14 millimeters to 120 millimeters. The scope includes glass jars, bottles, flasks and similar containers; with or without their closures; whether clear or colored; and with or without, design or functional enhancements (including, but not limited to, handles, embossing, labeling, or etching).

Excluded from the scope of the investigation are: (1) Glass containers made of borosilicate glass, meeting United States Pharmacopeia requirements for Type 1 pharmaceutical containers; (2) Glass containers produced by ‘free blown’ method or otherwise without the use of a mold (i.e., without ‘mold seems’, ‘joint marks’, or ‘parting lines’); and (3) Glass containers without a ‘finish’ (i.e., the section of a container at the opening including the lip and ring or collar, threaded or otherwise compatible with a type of closure, including but not limited to a lid, cap, or cork).

Glass containers subject to this investigation are specified within the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7010.90.5009, 7010.90.5019, 7010.90.5029, 7010.90.5039, 7010.90.5049, 7010.90.5055, 7010.90.5005, 7010.90.5015, 7010.90.5025, 7010.90.5035, and 7010.90.5045. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the investigations is dispositive.

Alleged Dumping Margins

The petitioners allege dumping margins of 264.13 percent to 818.57 percent.

Estimated Schedule of Investigations

- September 25, 2019 – Petition is filed
- October 15, 2019 – DOC initiates investigation
- October 16, 2019 – ITC staff conference
- November 11, 2019 – Deadline for ITC preliminary injury determinations
- December 19, 2019 – Deadline for DOC preliminary CVD determination, if not postponed
- February 24, 2020 – Deadline for DOC preliminary CVD determination, if fully postponed
- March 3, 2020 – Deadline for DOC preliminary AD determination, if not postponed
- April 22, 2020 – Deadline for DOC preliminary AD determination, if fully postponed
- September 4, 2020 – Deadline for DOC final AD determinations, if both preliminary and final determinations are fully postponed
- October 19, 2020 – Deadline for ITC final injury determinations, assuming fully postponed DOC deadlines

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