

Cheers to the Final Petition of 2023: New AD/CVD Petitions on Certain Glass Wine Bottles from China, Mexico, and Chile

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On December 29, 2023, the US Glass Producers Coalition (Petitioner), together with the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial Service Workers International Union, filed antidumping duty (AD) and countervailing (CVD) petitions on certain glass wine bottles from China, Mexico, and Chile.

The Petitioner alleges that certain glass wine bottles are sold in the United States for less than “normal value” and are unfairly subsidized. AD/CVD duties will be imposed if the US Department of Commerce (DOC) determines that such alleged dumping is occurring and if the US International Trade Commission (ITC) determines that there is “material injury” (or the threat thereof) by reason of the dumped imports.

Importers of these “in-scope” glass wine bottles will be liable for any potential duties imposed. These investigations may also impact purchasers, including your favorite US wine producers, via increased prices for these inputs or decreased supplies of glass wine bottles in the United States.

Scope of Investigation

Per the Petition, the scope of this investigation covers certain narrow neck glass bottles, with a

nominal capacity of 750 milliliters (25.36 ounces), consistent with the authorized standards of fill in 27 C.F.R. § 4.72; a nominal total height between 24.8 centimeters (9.75 inches) to 35.6 centimeters (14 inches); a nominal base diameter between 4.6 centimeters (1.8 inches) to 11.4 centimeters (4.5 inches); and a mouth with an outer diameter of between 25 millimeters (.98 inches) to 37.9 millimeters (1.5 inches); frequently referred to as a “wine bottle.” In scope merchandise may include but is not limited to the following shapes: Bordeaux (also known as “Claret”), Burgundy, Champagne, or Sparkling. In scope glass bottles generally have an approximately round base and have shapes including but not limited to, straight-sided, a tapered slope from shoulder (*i.e.*, the sloping part of the bottle between the neck and the body) to base, or a long neck with sloping shoulders to a wider base. The scope includes glass bottles, whether clear or colored, with or without a punt (*i.e.*, an indentation on the underside of the bottle), and with or without design or functional enhancements (including, but not limited to, embossing, labeling, or etching). In scope merchandise may be imported with or without a closure, including a cork, stelvin (screw cap), crown cap, or wire cage and cork closure.

The scope excludes:

- 1. Glass containers made of borosilicate glass, meeting United States Pharmacopeia requirements for Type 1 pharmaceutical containers;
- 2. Glass containers produced by the “free blown” method or otherwise without the use of a mold (*i.e.*, without “mold seams,” “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 cork, stelvin (screw cap), crown cap, or wire cage and cork closure).

Glass bottles subject to the investigations are specified within the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7010.90.5019. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the investigations is dispositive.

Estimated AD Margins

The Petitioner alleges the following dumping margins exist:

- China: Ranging from 280.10% to 620.03%
- Mexico: Ranging 78.55% to 102.09%
- Chile: 615.68%

Estimated Schedule of Investigations

The following is an estimated schedule of investigations by the DOC and the ITC:

Initial Deadlines: ITC Preliminary Injury Phase	<i>approx. January 12, 2024 – questionnaire responses will be due.</i>
	<i>January 18, 2024 – ITC Preliminary Staff Conference</i>
	<i>February 12, 2024 - ITC Preliminary injury determination</i>
DOC Initiation Date	<i>January 18, 2024</i>
DOC Preliminary CVD Determinations	<i>March 23, 2024 - CVD preliminary determination</i>

	<i>The preliminary results deadline can be extended.</i>
DOC Preliminary AD Determinations	<i>June 6, 2024 - AD preliminary determination</i> <i>The preliminary results deadline can be extended.</i>
Earliest Suspension of Liquidation (theoretical)	<i>March 8, 2024 – Subject to both affirmative critical circumstances finding by ITC and DOC.</i>

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