



**Berlin Packaging UK Ltd.
Continental Bottle Co. Limited
William Croxson & Son Limited**

**Submission on the anti-dumping investigation concerning imports of glass
containers originating in the People's Republic of China**

AD0087

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1. INTRODUCTION

This submission is filed with the Trade Remedies Authority ("TRA") on behalf of Berlin Packaging UK Ltd, Continental Bottle Co Ltd, and William Croxson & Son Ltd (the "Parties"), in the context of the anti-dumping investigation into imports of glass containers from the People's Republic of China ("AD0087").

After having provided relevant context and background to the present case, the submission starts by arguing that the imposition of anti-dumping measures on Chinese glass containers is not in the economic interest of the UK, providing an assessment under each of the five statutory Economic Interest Test factors.

The submission will then address the alleged injury suffered by the UK domestic industry and the lack of a causal link between the alleged injury suffered and imports from China. In this context, two principal positions are addressed: first, that the evidence adduced by the Applicant fails to demonstrate that the UK domestic industry suffered material injury during the relevant period of investigation ("POI"); and second, that any injury allegedly suffered by the UK domestic industry is not attributable to imports of the goods concerned from China.

As set out below, the Applicant's own data reveals significant internal inconsistencies that undermine its injury claims, and the causal link asserted between Chinese imports and alleged injury is contradicted by the temporal patterns of imports and industry performance. Numerous other factors (acknowledged within the application itself) provide a far more compelling explanation for any deterioration in the Applicant's financial position.

Finally, the submission will address certain procedural issues. Specifically, information in the Application is excessively redacted, impairing the rights of defence of interested parties.

The Parties thank the TRA for its consideration of their comments and are at the TRA's disposal to provide any additional clarifications or supporting information that may be useful to the TRA's assessment.

2. BACKGROUND & RELEVANT CONTEXT

At the outset, the Parties consider it important to note that this is not the first trade remedies investigation into glass containers from China globally. Indeed, in 2019, a trade remedies investigation was initiated in the United States on glass containers from China. Similarly, in 2023 a trade remedies investigation was also initiated in the United States on glass wine bottles from China (as well as Mexico and Chile).

Notably, both these investigations were terminated at the request of the importers, led by Berlin Packaging and TricorBraun, who are signatories to this submission. Specifically, the United States International Trade Commission ("U.S. ITC") determined unanimously in both cases that the U.S. domestic industry was not materially injured or threatened with material injury by reason of imports of glass containers or wine bottles from China.¹ It is exceedingly rare for the U.S. ITC to make unanimous negative injury determinations in original investigations, in particular in China cases. Additionally, the U.S. legal standard is more favourable to the

¹ See [here](#) and [here](#).

domestic industry seeking trade protection than the UK legal standard, in particular because the U.S. legal standard does not contain any economic interest test. We are not aware of another example where the UK TRA has investigated an industry with such a longstanding and clear track record as having been found not to injure or threaten domestic industry.

Specifically in those two U.S. cases, the U.S. ITC found that import volumes, whose market share only increased marginally, did not have either significant price effects or a significant adverse impact on the domestic industry. In both cases, the U.S. ITC determined that imports from China were higher priced than domestic products—overwhelmingly overselling, rather than underselling.

Importantly, the U.S. ITC found a lack of a causal link between Chinese imports and the alleged injury suffered by the U.S. domestic industry. Specifically, in the *Glass Containers from China* case, the domestic industry's worst financial performance occurred in the year when import volumes from China were at their lowest point, and in the *Glass Wine Bottles from China* case the domestic industry's performance declined while subject imports also declined. The U.S. ITC found that these data indicated no causal nexus. As will be explained in more detail below, the exact same lack of a coincidence in time is also present in the current case.

Finally, both U.S. investigations revealed significant market segmentation between domestic and imported glass products. Chinese imports in each case were found to serve smaller customers and niche segments (small- and medium-sized product manufacturers such as small distilleries and smaller wineries requiring case-packed bottles) that domestic producers were unwilling or unable to serve, particularly owing to high minimum order quantities and more complicated packaging and ornamentation requirements from these smaller customers. This finding reduced the degree of competitive interaction and weakened the causal link between imports and domestic injury. The exact same situation applies in the current case as well, as explained in more detail below.

Of course, the UK and U.S. markets are distinct, and the U.S. ITC's findings are not binding on the UK TRA. However, these striking similarities between the current investigation and the U.S. cases warrant particular attention.

3. ECONOMIC INTEREST TEST

3.1 Introduction

The present section addresses the Economic Interest Test ("EIT") as set out in Paragraph 25 of Schedule 4 to the Taxation (Cross-border Trade) Act 2018 ("Taxation Act"). In accordance with the Taxation Act, the TRA must be satisfied that the application of an anti-dumping amount to the goods concerned would be in the economic interest of the United Kingdom, having regard to the factors set out in Paragraph 25 of Schedule 4.

For the reasons set out below, the imposition of anti-dumping duties on glass containers from China would not be in the economic interest of the United Kingdom.

This is not just a case where the imposition of anti-dumping measures would raise the **costs** of downstream users. While this is an important factor in this case, equally important is the impact this would have on product **availability** for downstream users, who are often small and medium-

sized enterprises ("SMEs"). Indeed, as will be explained in more detail below, the availability of glass containers on the UK market to SMEs, and even some larger customers, is limited due to significant minimum order quantities ("MOQs") as well as some products simply not being produced by UK glass container manufacturers at all.

In addition, and importantly, due to the proximity of this industry to consumer products, the imposition by the Government of anti-dumping duties on Chinese-origin glass containers would directly raise the cost of everyday consumer products for the British people at a time of persistent inflationary pressures and an ongoing cost-of-living crisis. Glass containers are a key input for a wide range of UK industries and are used for the packaging of a broad range of consumer products, some of which are essential to everyday life.

The negative impacts on the UK economy are disproportionate, and in any event, imposing a duty on Chinese-origin glass containers will do little to increase demand for UK-produced glass containers because UK producers do not produce the types of glass containers imported from Chinese manufacturers, or their MOQs are simply too high.

This Section will address each of the five statutory factors identified in Paragraph 25 of Schedule 4 in turn:

1. the injury caused by the dumping of the goods to the UK industry in the goods and the benefits to that UK industry in removing that injury;
2. the economic significance of affected industries and consumers in the United Kingdom;
3. the likely impact on affected industries and consumers in the United Kingdom;
4. the likely impact on particular geographic areas, or particular groups, in the United Kingdom; and
5. the likely consequences for the competitive environment, and for the structure of markets for goods, in the United Kingdom.

Before addressing each of these five factors, it is worthwhile to first outline each of the affected groups, which essentially concerns virtually all segments of the UK economy.

3.2 Affected Groups

- (a) Almost all segments of the UK economy are affected

Given the very broad use cases for glass containers, and the breadth of the CN codes in scope of the investigation, the groups that would be affected by the imposition of duties on Chinese-origin glass containers are very broad. The economic significance of the affected UK industries and consumers is therefore profound.

Groups that would be affected by the imposition of duties on Chinese-origin glass containers include:

1. Importers and distributors of glass containers.

2. Downstream users.

- a. Glass containers are used across a broad range of downstream industries, primarily as a packaging input for products requiring preservation, safety, and/or premium presentation.
- b. Glass containers are extensively used in the food and beverage industry. Within this category, usage spans both alcoholic and non-alcoholic drinks (such as beer, wine, spirits, cider, soft drinks and juices) as well as food products (including preserves, sauces, condiments, and baby food).
- c. Glass containers are also widely used in the pharmaceutical and healthcare industry, where they serve as packaging for medicines, vaccines, and other medical products. Typical formats include bottles, vials, and ampoules, which are preferred because glass is chemically inert, impermeable, and suitable for sterile applications. This makes it essential for ensuring product stability and regulatory compliance in medical supply chains.
- d. Another key user is the cosmetics and personal care industry, which relies on glass containers for items such as perfumes, skincare products, and high-end cosmetics. Glass is used for both its compatibility with sensitive formulations (for example, fragrance components can attack plastic leading to frosting of the bottle), and also for its aesthetic qualities (which support premium branding and consumer perception). The personal care and beauty sector demands premium-style glass bottles and jars of a type that is not available from UK glass manufacturers, and is only available from imports.
- e. Glass containers are further used in the household and consumer goods sector, including selected cleaning products, home fragrances, and candles, particularly where durability, chemical resistance, or premium branding is required.
- f. In addition, there are applications across sectors such as agriculture, chemicals, and laboratory use. Glass containers are employed for their resistance to contamination and ability to safely store reactive or sensitive substances.

3. Retailers.

- a. Glass containers are sold as standalone products to UK consumers. However, they are predominantly distributed through retail channels as packaging for goods.
- b. Glass containers are prominently sold through major grocery retailers, which represent the primary route by which glass packaging reaches British consumers.
- c. Off-licences, wine merchants, and spirits retailers play a key role because alcoholic drinks are often packaged in glass containers, particularly in the premium and craft segments.

- d. Pharmacy and health-care retail channels supply medicines, supplements, and health products that are often packaged in glass bottles, particularly liquids, syrups, and certain specialist formulations.
 - e. Cosmetics and beauty retailers, such as department stores, beauty chains and boutique fragrance shops, sell a wide range of products packaged in glass containers, including perfumes, skincare products and luxury cosmetics. In this segment, glass packaging is often central to product presentation and brand positioning, with bespoke design key to the marketing of products.
 - f. Hospitality and wholesale supply chains, including cash-and-carry retailers and catering suppliers, distribute beverages and food products in glass containers to pubs, restaurants, and hotels.
4. Consumers.
- a. Unlike most goods that are the subject of trade remedy investigations, glass containers are often an integral part of key consumer goods. In many cases, these products will directly impact the price of the goods consumed by the British people.
 - b. Given the above, it should be noted that glass containers are generally ultimately used, and their cost ultimately borne, by British consumers. Unlike industrial goods with narrower customer bases, glass containers are used in products sold to virtually every British household. This magnifies the consumer harm arising from any increase in input cost by way of duties imposed on the glass containers. Because these goods are sold primarily through supermarkets, off-licences and large retail chains, any increase in the cost of glass containers feeds directly into consumer pricing, directly raising the cost of everyday consumer products for the British people.
- (b) Glass containers are used in a wide range of consumer goods

Glass containers are used in consumer markets that operate in low margin, competitive, mass-markets. Ultimately, glass containers are purchased by ordinary British consumers. UK consumers are very price sensitive given the current economic environment, with inflationary pressures being exerted by Covid-19, the war in Ukraine, and the war in the Middle East. In April 2026, 79% of adults in Great Britain reported an increase in their cost of living compared with the previous month. Of those whose cost of living increased, 92% said it was because food shopping had increased in price.² Imposing duties on Chinese-origin glass containers will result in further increased prices in UK shops.

The principle of a potential government-imposed charge on glass containers increasing the cost of shopping has already been acknowledged by the UK Government. For instance, in its Policy Paper on the Deposit Return Scheme, the UK Government specifically notes that the imposition of an additional charge could result in "forcing up the cost of their shopping".³ The UK Government opted not to include glass bottles within the scope of the Deposit Return Scheme.

² House of Commons Library, "High cost of living: Impact on households", accessible: [here](#)

³ Department for the Environment, Food and Rural Affairs, Policy Paper, Deposit Return Scheme: glass drinks containers UK government policy statement", accessible: [here](#)

Similarly, a charge on the import of Chinese-origin glass containers would force up the cost of shopping for British consumers, while reducing variety.

Glass containers are predominantly used in downstream consumer markets that are characterised by low margins, high competition, and large-scale volume distribution. The principal sectors in which they are used (notably food and beverages, personal care and household goods) operate on tight commercial margins and rely on rapid turnover. In these downstream markets, many producers compete on price, brand differentiation, and scale. As a result, packaging inputs such as glass containers form part of a finely balanced cost structure, where even relatively small input price increases can have material effects on profitability and pricing, with the result that prices for consumers increase.

Against that background, the imposition of anti-dumping duties would inevitably translate into higher input costs for retailers and suppliers across these sectors, with limited scope for absorption within existing margins. Given the combination of low margins and intense price competition, retailers would be compelled to pass the cost increases arising from the anti-dumping duties through the supply chain, resulting in higher shelf prices for a wide range of everyday goods packaged in glass containers. In practical terms, this would operate as a broad-based price increase affecting staple products consumed daily by households, thereby placing additional pressure on already price-sensitive consumers and exacerbating existing cost-of-living concerns. In those cases where price increases cannot be passed on, it is likely that supply would simply be reduced.

3.3 Factor 1: the injury caused by the dumping and the benefit of removing it

Before turning to the downstream economic effects, it is important to address the threshold question of whether the imposition of anti-dumping duties would in fact deliver a meaningful benefit to UK glass container producers. Of note, any such benefit would be inherently limited, for the reasons set out below.

UK glass container manufacturers are primarily configured for large-scale, standardised production runs serving the food and beverage sector, together with a limited range of pharmaceutical containers. They do not generally supply the product types, bespoke designs, specialist neck finishes (such as FEA15, CNI15 and SNI15 for fragrance atomiser pumps), or lower MOQs that a substantial part of downstream demand requires. In some product segments, over 90% of product types imported from China are simply not produced by UK glass manufacturers. This concerns highly specialised bottles with specific bespoke designs. For other product segments, there are colours of glass containers required by the UK market that are not produced in the UK at all (or at least in material quantities), such as for instance blue and green glass.

Accordingly, anti-dumping duties would not simply translate into materially increased UK production. Rather, they would raise costs for UK downstream users and ultimately UK consumers, without delivering a corresponding benefit to UK industry.

Moreover, as addressed in further detail in the next Section, there are serious questions as to whether the UK glass containers are, in fact, suffering injury. Even more importantly, it appears that any alleged injury is, in fact, not caused by Chinese imports.

3.4 Factor 2: the economic significance of affected UK industries and consumers

Downstream users of Chinese-origin glass containers are disproportionately SMEs, seeking product differentiation as against more established consumer brands.

It has been widely established that SMEs are economically significant to the UK. For instance, the UK Government has described SMEs as a "national priority" with growth "this government's number one mission" and "SMEs... the engine room" of UK growth. SMEs account for "99.85% of all UK businesses, three-fifths of total employment and around half of the turnover in the UK private sector" and they have been described as the "lifeblood of our economy".⁴

Turning to consumers, their economic significance is self-evident. Consumers are the primary engine of the UK economy. According to the Bank of England, "consumption accounts for nearly two thirds of total GDP".⁵ The Chancellor has explained that "growth isn't simply about lines on a graph. It's about the pounds in people's pockets."⁶

The Government and other public bodies consistently recognise that consumer demand plays a central role in the country's economic performance. Household consumption represents the largest component of GDP and is treated as a core indicator of economic growth in official statistics, underscoring the extent to which overall economic activity is driven by the spending decisions of individuals. Reflecting this, government policy places significant emphasis on improving the financial position of households, linking sustainable growth to increases in real incomes, purchasing power, and the affordability of everyday goods and services. Taken together, this demonstrates that the health of UK consumers is not merely a social concern, but a fundamental determinant of economic growth and stability.

In this context, it is important to keep in mind that glass containers are consumer-facing products, and the goods they contain are purchased by UK consumers on a daily basis. In the current economic climate, consumers are particularly price sensitive, with ongoing inflationary pressures contributing to a well-documented cost-of-living crisis. The imposition of anti-dumping duties on Chinese-origin glass containers would therefore likely exacerbate these pressures, further increasing consumer prices and adversely affecting their purchasing power.

In the light of the above, the economic significance of the downstream users of Chinese-origin glass containers, as well as of affected consumers, is great. As explained in the following subsections, the impact of the imposition of anti-dumping duties on glass containers from China will be substantial. At the same time, as further explained in the following section, the injury suffered by the UK domestic producers is questionable, and to the extent that there is any, it does not appear to be caused by Chinese imports.

⁴ Department for Business & Trade Policy Paper: Department for Business and Trade's small and medium-sized enterprise (SME) action plan: 2025 to 2028, accessible: [here](#)

⁵ Bank of England: Explaining the consumption gap - speech by Catherine L Mann, 09 October 2025, accessible: [here](#).

⁶ Speech by Chancellor of the Exchequer Rachel Reeves at Siemens Healthineers in Oxfordshire on 29 January 2025, accessible: [here](#).

3.5 Factor 3: the likely impact on affected industries and consumers in the United Kingdom

- (a) The imposition of anti-dumping duties on Chinese-origin glass containers will have a disproportionate economic effect on UK SMEs

To understand the likely impact of an anti-dumping duty on glass containers from China, it is first important to consider why UK importers acquire glass containers from Chinese manufacturers.

Price is not the predominant factor in the use of Chinese manufactured glass containers by UK importers and downstream users.

Consumer preference in the UK, particularly for premium products, is increasingly driven by product differentiation and bespoke design. Many UK businesses, particularly SMEs challenging entrenched larger incumbents, use product differentiation and bespoke design to market their products. These SMEs operate in competitive consumer markets (both in the UK and in export markets). Given their supply of niche or market-entrant products, their product runs are smaller in size than those of larger companies. UK glass container manufacturers rarely are willing or able to provide the flexibility needed to supply these companies' requirements. The key differentiation between UK manufacturers and Chinese manufacturers is that the latter are able to support bespoke designs, with lower MOQs, and lower tooling costs, in a broader set of end use sectors. UK manufacturers, by contrast, predominantly serve larger food and beverage companies which impose higher MOQs, over longer production runs.⁷

This pattern is consistent across market segments. UK manufacturers are generally more focused on larger, repeatable runs, while Chinese suppliers are more willing to support bespoke shapes, finishes, moulds and lower-volume projects. The main differentiator is flexibility, not quality.

Since UK glass producers are set up to service mainly large-volume customers smaller downstream users have no choice but to source glass from outside the UK, especially when those smaller downstream users are deprioritised by UK manufacturers due to low quantities required.

For instance, in the personal care and beauty segment, this situation is particularly stark. The product range available from UK glass manufacturers for the personal care and beauty sector is very limited. The market for personal care and beauty glass containers has, in fact, become increasingly fragmented as brands seek a point of difference, with new entrants requiring bespoke designs in small volumes that UK producers do not offer. The story is similar for most of the other segments as well.

Whilst the specific MOQs will vary depending on factors such as item, mould, colour, decoration, supplier, and whether the design is standard or bespoke, MOQs are a recurring

⁷ See for example: "Diageo partners with Encirc on hydrogen powered furnace to change the face of UK glass manufacturing industry", accessible: [here](#), where Diageo says: "By 2030, it's expected the furnace will produce up to 200 million bottles of Smirnoff, Captain Morgan, Gordon's and Tanqueray every year: half of Diageo's European supply for these bottles."

theme faced by downstream users in the UK wanting to source glass containers from the UK domestic producers. For instance:

- **For food and beverage:** We have seen UK producers require excessively large MOQs with even larger minimum annual demand expectations. By contrast, Chinese producers are much more able and willing to supply at a fraction of the minimum order volume of UK producers, with no or very low annual demand requirements.
- **For fragrances:** We have seen UK MOQs that are excessive, in some cases reaching volumes that are over 30 times as large as Chinese MOQs, depending on the size of the container and size of the furnace. Also in this industry bespoke tooling costs are significantly higher when ordering from UK producers, in some cases up to 35 times the cost.
- **For pharmaceuticals:** In the pharmaceutical sector, UK producers predominantly supply directly to the large established pharmaceutical companies, in large volumes. However, it is difficult for smaller downstream users to meet the high MOQs of the UK producers. Moreover, the supply of pharmaceutical glass containers in certain colours, such as blue and green variants used by a range of downstream users, is simply not produced by UK producers at all (or at least in material quantities) and must therefore be imported.
- **For cosmetics:** Finally, there are no suppliers at all of cosmetic-grade glass containers in the UK, meaning that all such glass containers must be imported. None of these imports can plausibly be injurious to domestic producers at all.

The UK industry is predominantly configured around longer production runs and higher-volume sectors, which limits both the ability and the commercial incentive to manufacture bespoke or low-volume glass container orders. As a result, certain container shapes and colours are simply unavailable from UK producers. This particularly affects SMEs, which often struggle to obtain quotes from domestic manufacturers, either because the requested specifications are not produced, or because the terms offered (including minimum order volumes) are not commercially viable. Consequently, UK SMEs face difficulties sourcing appropriate glass containers for niche product categories, bespoke designs, or new product launches. This means that it is not at all easy for UK SMEs to switch to UK manufacturers in the supply of the glass containers that they require.

The likely economic impact of anti-dumping duties imposed on Chinese glass containers would therefore be to reduce the variation in the design of glass containers available to SME downstream industries, hinder their ability to compete with entrenched product suppliers in the UK as well as on export markets, and increase costs for UK consumers.

If Chinese-origin glass containers are made more expensive through this investigation, the implications for UK SMEs are two-fold: (1) it imposes a cost on UK importers, UK downstream industry, and ultimately UK consumers, and (2) it hinders the ability of SMEs to differentiate their products in competitive consumer markets.

In the light of the above, MOQs, often combined with high bespoke tooling costs, are a consistent barrier for downstream users. This particularly affects SMEs who are often unable to place such large MOQs and may not have the budget to meet the high tooling costs of the UK producers. Combined with the fact that some products are not manufactured by the UK producers, the imposition of duties on Chinese-origin glass containers will have a disproportionate economic effect on UK SMEs.

- (b) The imposition of anti-dumping duties on Chinese glass containers will incentivise a shift to alternative packaging materials

The imposition of anti-dumping duties on imports of glass containers from China is in some cases likely to result in downstream users adjusting their product ranges. This could range from a discontinuation of certain items (e.g. because UK downstream users cannot obtain certain glass container shapes or colours from UK glass container manufacturers), or switch to other materials.

The British Glass Confederation has already warned that glass price increases (in this instance, due to the Extended Producer Responsibility for packaging) have led to signs that some brands are considering moving away from glass in favour of other materials, such as plastic.⁸ For instance, Baroness Bakewell of Hardington Mandeville noted in a House of Lords debate on the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 that:⁹

"British Glass estimates that a basket of 10 household items with glass packaging will cost the consumer an extra 52.18p in pEPR taxes, whereas the same products in plastic would pay just 7.89p in pEPR fees. This is a direct incentive to use more plastic...".

Anti-dumping duties on Chinese-origin glass containers are likely to have a similar switching effect, to the economic detriment of UK glass container producers, as well as UK importers of glass containers.

To date, UK importers have observed a degree of market transition from glass containers to other materials. This has been particularly pronounced in the food and beverage industry. The move has also been observed, but less pronounced, with pharmaceutical customers. For fragrances, it has generally been limited to lower-end products. However, increasing the cost of Chinese-origin glass containers would likely accelerate the move towards other materials.

In food and beverage markets, manufacturers are already familiar with alternative packaging formats (most notably plastic, aluminium and carton-based solutions) and have demonstrated an ability to switch formats where relative input costs justify doing so. Where Chinese-origin glass containers are no longer an economically viable source of glass container supply and where UK producers are not able to meet UK demand (e.g. because they do not produce the type of glass container required by UK businesses, their MOQs are too high, or because UK

⁸ LetsRecycle.com, "British Glass urges producers to 'think twice' before switching from glass", accessible: [here](#).

⁹ Glass faces policy fees per unit that are over 40 times higher than those for plastic, as noted by Baroness Bakewell of Hardington Mandeville in the House of Lords, accessible: [here](#).

producers do not have the bandwidth to support orders), the UK downstream industry's cost calculus will change and the incentive to reassess packaging solutions will increase.

For instance, several beer companies have increasingly moved away from glass in favour of aluminium cans, driven by the high cost of UK-made glass, limited flexibility on MOQs, and the fact that alternative substrates offer lower costs compared to glass. Similarly, several wine and ready to drink ("RTD") producers have switched from glass bottles to aluminium cans, while there has also been a moderate uptake in PET bottles, jars and pouches within wine, spirits and food. These materials take away volume and market share from glass which negatively impacts glass producers' and distributors' profits.

In the pharmaceutical sector, there is already evidence of transition. For instance, pharmacy customers have started looking at options of moving away from amber glass bottles into plastic amber bottles, including supermarket varieties of medicines such as paracetamol products.

In the personal care and beauty sector, while glass-to-plastic substitution is somewhat constrained by sustainability concerns, plastic could nevertheless replace some glass in this sector as it could result in a cheaper unit price.

In practical terms, anti-dumping duties imposed on Chinese-origin glass containers could lead to a reduction in the demand for glass containers from UK producers, as well as for UK imports.

In this context, the imposition of anti-dumping duties risks proving economically counterproductive for the UK. Rather than strengthening the position of the UK's glass container producers, higher prices may incentivise downstream users to reduce their reliance on glass altogether. This would not only affect import volumes but could also erode overall demand for glass containers in the UK, thereby diluting the intended protective effect of any anti-dumping measures.

In sum, it would not be in the economic interest of the UK to impose duties on Chinese-origin glass containers, because in a scenario where a measure has been imposed, it is unlikely to improve the position of UK producers. Rather, it will accelerate the move to plastics and other materials in various key product sectors, and it would damage other UK economic operators, such as importers and downstream users.

For completeness, we note that there may also be a greater move towards refill options. In recent years, there has been an increasing number of refill options available to refill a "single-purchase" glass container. Consequently, there has been a decline in the re-buy quantities as compared to the past (i.e. where a company or consumer would buy another full glass jar/bottle).

This is a substitution encouraged by the UK Government. Indeed, in response to a Written Parliamentary Question on the effect of the extended producer responsibility scheme on glass producers, the Minister responded:¹⁰

"We are encouraging the glass industry to seek to reduce the cost impacts of pEPR through a transition to reuse and refill. This is encouraged under pEPR, as producers are only required to report and pay disposal cost fees for household packaging the

¹⁰ WPQ, Glass: Recycling, UIN 49200, accessible: [here](#)

first time it is placed on the market, and can then offset these fees when they recycle this packaging at the end of its life, thereby avoiding the vast majority of pEPR fees."

The potential imposition of anti-dumping measures on Chinese glass containers should therefore be assessed in the context of wider developments in UK consumption patterns, where downstream users and consumers are being pushed towards alternative packaging materials as well as the re-use of glass containers. This will further dilute the remedial effect of any anti-dumping measures, while at the same time further exacerbating the impact on downstream users and consumers.

(c) The imposition of anti-dumping duties on Chinese glass containers will distort downstream markets

(i) *UK exporters of downstream goods*

UK-based downstream users of glass containers compete both domestically and internationally. If they face lower product variety and higher packaging costs than overseas competitors (who may not be subject to anti-dumping duties on their glass packaging inputs), the competitiveness of UK downstream producers will be further weakened in international markets. For instance, it may become harder for small UK spirits producers to compete against foreign spirits producers in third country markets. This will potentially reduce UK downstream production and exports, and/or encourage production relocation.

This cost differential risks placing UK producers at a structural disadvantage in export markets, where pricing competitiveness is a key determinant of demand. Over time, this could lead to a reduction in export volumes, a loss of market share, or pressure on margins for UK-based firms seeking to maintain their position in international markets.

(ii) *UK retailers and distributors*

UK businesses are likely to look to acquire finished products overseas (i.e. vertical substitution in sourcing strategy), as opposed to importing empty glass containers into the UK and filling those items in the UK.

For the fragrances segment, this is likely to become the most viable option, keeping MOQs, product variety, and cost factors into account. Indeed, in addition to the risk of product discontinuation or switching to alternative packaging materials, another likely scenario is a loss of business as downstream users will import the complete finished item so they can continue selling it in their range. As in many cases this may become the most viable option, this would result in less production of finished goods in the UK leading to a loss of jobs. This impact will not only be felt by the fragrance manufacturer, but across the supply chain, such as labelling, perfume, and cartons due to the drop in demand for those items in the UK.

This shift would effectively domesticate supporting industries, reducing demand for UK-based manufacturing and associated services.

(iii) *Incentivising offshoring*

Higher MOQs, lower variety, and increased glass container costs in the UK may also influence corporate decision-making as to where production activities are located, especially when such businesses see their market share being lost to imports. Where businesses operate across multiple jurisdictions, there is a clear incentive to shift filling, processing or packaging operations to jurisdictions where packaging inputs can be sourced more effectively. The imposition of anti-dumping duties on Chinese-origin glass containers would therefore create a risk of production activities (such as bottling, filling and finishing) being relocated outside the UK in order to preserve competitiveness. This would have adverse implications not only for downstream manufacturers, but also for related sectors, including logistics, distribution, and employment within the UK supply chain.

(iv) *Conclusion*

Taken together, anti-dumping duties on glass containers would not operate in isolation at the level of upstream supply. Rather, they would have downstream consequences for competitiveness, investment decisions and supply chain configuration, with a real risk of reducing UK production activity and increasing reliance on imported finished goods. This is plainly not in the economic interest of the UK.

(d) The imposition of anti-dumping duties on Chinese glass containers will increase costs of consumer products

Should anti-dumping duties be imposed on glass containers from China, this would constitute a significant cost for UK importers and downstream users which, given the structure of the market, would often not likely be able to be absorbed within existing margins.

The glass container trade is characterised by relatively low unit margins and high-volume turnover, meaning that UK importers operate with limited capacity to absorb additional costs without undermining their own commercial viability. As a result, any duties would need to be reflected in higher prices in the supply chain (ultimately down to the costs borne by British consumers for everyday goods).

The downstream users, who are predominantly SMEs, would also be unlikely to absorb the extra costs in full, if at all, so would need to pass the costs to the end consumer.

While the specific effects will vary depending on the nature of the end product and the flexibility of the relevant supply chain, several consistent effects can be expected.

First, as indicated above, there is likely to be a degree of diversion of supply towards alternative third-country sources, such as India or other manufacturing bases. While this may mitigate some immediate supply disruption, it would not provide a cost-neutral substitute. Alternative suppliers are likely to be more expensive, less scalable, or less flexible in terms of product range, specification or lead times. Consequently, even where switching occurs, UK importers and downstream users would still face increased costs. These cost increases would, in turn, need to be passed down the supply-chain to British consumers.

In this regard, it should be noted that lead times from European alternative sources are themselves increasing. Evidence from interested parties shows that, as of February 2026, European special-glass suppliers were quoting lead times ranging between 120 to 180 days. Accordingly, alternative European sourcing does not represent a readily available or cost-effective substitute for Chinese supply.

Secondly, a proportion of UK importers will need to continue to source from China notwithstanding the imposition of duties, because Chinese manufacturers offer specific product types, volumes, or MOQs that are not readily replicated elsewhere. In these cases, the duty will operate as a direct surcharge on imports. Given the low margins typically associated with glass container imports, these additional costs cannot be absorbed by importers and will need to be passed on to their UK customers, including manufacturers and retailers. In turn, these increased input costs are likely to be passed further downstream, ultimately resulting in higher prices for British consumers.

This is in the context of a well-documented cost of living crisis, which is being exacerbated by external factors such as the ongoing closure of the Strait of Hormuz. This is especially affecting the food and drinks sector, which are facing a double-digit surge in inflation. Karen Betts, chief executive of the Food and Drink Federation, has recently told Parliament that "The food system is competing in a very energy-hungry world now" and that "we are definitely seeing consumers buying less as a result of food costing more".¹¹ In order to address this ongoing crisis, the Chancellor has recently announced that the government is planning tariff cuts to 100 food and drink items.¹² This proposed plan has been criticised by the Food and Drink Federation, with Karen Betts stating that the government "should remove tariffs on ingredients and address the root causes of food inflation, including by rigorously prioritising burdensome regulation. Otherwise this risks benefiting overseas manufacturers at the expense of our domestic food system."¹³

In this context, it would be counterproductive and counterintuitive to impose anti-dumping duties on glass containers from China, as this would further increase the costs of downstream industries in the UK, including in the food and beverage industry, as well as putting further inflationary pressure on UK consumers who are already suffering from current economic and geopolitical developments.

3.6 Factor 4: the likely impact on particular geographic areas, or particular groups, in the United Kingdom

(a) Lower income consumers

As discussed above, UK importers and UK downstream industry and retailers have low profit margins and are unlikely to be able to absorb any additional duties placed on Chinese-origin

¹¹ See "Strait of Hormuz closure triggers double-digit surge in food inflation", 20 May 2026, accessible: [here](#).

¹² See, for instance, "Inflation: government planning tariff cuts to 100 food and drink items", 21 May 2026, accessible: [here](#).

¹³ See "Inflation: government planning tariff cuts to 100 food and drink items", 21 May 2026, accessible: [here](#).

glass containers. Consequently, any duties will be passed down the value chain, ultimately to consumers.

Given the common usage of glass containers in the food and beverage industry, such duties can be expected to increase the price of such products for UK consumers. This is against the backdrop of the UK's already significant food and non-alcoholic beverage inflation: over the course of 2025, food and non-alcoholic beverage CPIH ended the year at 4.5% compared to 3.6% for all items.¹⁴

It should be noted that the effect of inflation in the food and beverage sector is particularly pronounced for lower earners. In FYE 2024, an average household in the UK spent 11.3% of their expenditure on household food and non-alcoholic drinks. The lowest 20% of households by disposable equivalised income spent 14.3%, compared to 8.6% for the richest 20% of households.¹⁵ Therefore, the inflationary implications for food and beverage products arising from the imposition of duties on Chinese-origin glass containers is likely to be most keenly felt by lower-income British families.

The implications of duties on Chinese-origin containers for the price of beverages UK consumers pay in the UK, in particular, is particularly sensitive. This is because any duties would compound the input price increases already facing the carbonated drinks sector. For instance, in addition to the issues already raised in this submission, CO₂, which is used in carbonating drinks, is facing disruption due to current events in the Strait of Hormuz and because the UK's largest bioethanol plant has closed.¹⁶

In addition to the increased pressure that will be felt by consumers overall, it can be expected that any imposition of anti-dumping duties on Chinese-origin glass containers will have a disproportionate effect on this specific demographic group.

(b) Pubs and the broader alcoholic drinks sector

Glass containers are often used in the beverage industry, whether for beer and cider, or for wines and spirits. The pub industry is, and has been for a number of years, facing increased costs and a difficult economic environment.

The pub industry is reportedly facing rising business rates, wages, and energy bills, with "customers at limit of what they will pay".¹⁷ The House of Commons Library has reported that the Office for National Statistics' Business Insights and Conditions Survey suggests that the costs of labour and, importantly; materials were the main challenges impacting hospitality businesses' turnover in June 2025.¹⁸

The British Beer and Pub Association suggests that the price of a pint in the UK is at a record high, noting that "Rising inflation and cost pressures throughout our pubs' and brewers' supply

¹⁴ Department for Environment, Food and Rural Affairs, Food statistics in your pocket, accessible: [here](#).

¹⁵ Department for Environment, Food and Rural Affairs, Food statistics in your pocket, accessible: [here](#).

¹⁶ YahooNews, What a CO₂ shortage in the UK means for food, healthcare and hospitality, accessible: [here](#).

¹⁷ Guardian, We can't increase prices any more': UK hospitality firms hit by cost triple blow, accessible: [here](#).

¹⁸ House of Commons Library, Government support for the hospitality sector, accessible: [here](#).

chains have an effect on the price [UK consumers] pay at the bar".¹⁹ The imposition of duties on Chinese-origin glass containers, with the consequential increase in input costs for downstream industry, and ultimately UK retailers and consumers, constitutes yet another potential increase in core costs for the pub industry.

In other words, imposing duties on Chinese-origin glass containers would be yet another hit to the profitability of the pub industry, potentially increasing the price of a pint and other beverages as they move to offset this cost pressure.

The broader alcoholic drinks sector is already under considerable commercial pressure. Data from the Wine and Spirit Trade Association's Market Report of December 2025 shows that, in the twelve months to 6 September 2025, total alcohol volumes fell by 3%, with consumers continuing to "buy less but pay more for alcohol". Imposing additional anti-dumping duties on glass containers would compound these existing pressures on a sector that is a significant employer and contributor to the UK economy.

The spirits sector, which is economically significant, specifically relies on glass containers as the primary packaging format. Any increase in the cost of glass packaging feeds directly into an economically significant sector.

(c) The NHS

The product scope under investigation includes glass containers used in the medical and pharmaceutical sector. In England alone, in 2024/25 1.26 billion prescription items were dispensed in the community (i.e. this does not include items dispensed in, for example, hospital settings) at a cost of £11.2 billion.²⁰ Whilst not all prescription drugs are presented in glass containers, given the significant quantities of pharmaceutical drugs dispensed by the NHS any increase in the cost of glass containers from China has implications for costs incurred by the NHS, at a time when NHS budgets are already under pressure.

We note, additionally, that this increase in cost would come at a time when the NHS is already facing increased medicine costs by virtue of the UK-US Medicines Partnership, which will see the NHS paying 25% more for new branded drugs.²¹

(d) Smaller distilleries in Scotland, Northern Ireland, and the regions of England

Purchasers of bespoke glass containers from China include smaller high-end gin distilleries in the English regions, and increasingly smaller Scottish Whisky and Northern Irish Whiskey producers in niche segments that focus on lower but premium volumes. These producers are economically important, both at a national level and to their specific regions.

The spirits sector is a significant contributor to output, exports, and employment across the United Kingdom overall. In Scotland alone, the Scotch whisky industry contributes billions of pounds in gross value added, supports tens of thousands of jobs, and attracts millions of

¹⁹ British Beer and Pub Association, Pubs & Breweries in Numbers, accessible: [here](#).

²⁰ NHS Business Services Authority, Prescription Cost Analysis – England 2024/25, accessible: [here](#).

²¹ Nuffield Trust, US-UK medicines partnership: the impact assessment of the costs and benefits must be published, accessible: [here](#).

distillery visits each year. Northern Ireland's whiskey and wider spirits sector similarly supports skilled employment, local investment, export growth and visitor activity. Gin distilleries in England, Scotland and Northern Ireland also make an important regional contribution: they support rural and regional jobs, create demand for bottling, packaging, logistics and hospitality services, and help challenger brands bring higher-value products to market.

Chinese-origin glass containers often service these distilleries. They typically support niche producers with smaller production runs. They support the supply of often premium, bespoke, high-value spirits supplied in relatively low volumes, rather than standard bottles for large, high-volume brands.

That distinction is important. In periods of glass container scarcity (for example, after the invasion of Ukraine) smaller and more specialist customers are the first to lose access to UK production supply. This is because UK producers naturally prioritised their largest and most strategic accounts. Smaller distilleries and premium emerging brands, by contrast, are in these instances more likely to be left without supply and with no realistic alternative source in the UK market. Making their access to Chinese glass containers uneconomic, therefore, has an outsized economic effect on the UK's regional spirits producers: reducing access to bespoke glass bottles with lower MOQs, increasing their costs, but also harming their economic resilience.

Of note, Chinese glass containers are supplied directly to a number of smaller distillery customers across the United Kingdom, including producers in Ireland and Scotland. Supply constraints already emerge due to external factors. For instance, the real-world consequence of the Ukraine crisis for the UK glass market was severe. With approximately 6% of Europe's glass being produced in Ukraine prior to the Russian invasion, considerable strain was put on the glass supply chain as many users looked for alternative contingency supply. Chinese glass has served as an essential supply-chain resilience mechanism for UK distilleries. In addition to all the issues already raised above, removing or restricting this source through duties would leave these producers, particularly the smaller ones, exposed to future supply disruptions.

Similarly, when in 2016 a fire broke out at a UK glass manufacturer (Allied Glass),²² and production was disrupted from one of its furnaces for at least eight weeks, affecting four production lines, Chinese imports served as an important alternative source to ensure continuity of supply in particular for small customers who might otherwise be deprioritised and left without glass supply. These real-world events demonstrate the critical role that Chinese supply plays in supporting supply-chain resilience, particularly for smaller downstream customers.

3.7 Factor 5: the likely consequences for the competitive environment, and for the structure of markets for goods, in the United Kingdom

The imposition of anti-dumping duties would have significant consequences for the competitive environment and the structure of UK markets for glass containers and the downstream goods in which they are used.

²² See "Fire breaks out at Leeds Allied Glass factory warehouse", 7 October 2016, accessible: [here](#).

First, duties would reduce the number of viable supply sources available to UK importers and downstream users, concentrating supply among a smaller number of domestic producers and European suppliers who already operate at or near capacity. This concentration risk is a material concern. The UK has a limited number of glass container producers who are already unable to meet demand for certain types of glass, and the removal of a competitive source of supply from the market would reduce the competitive pressure on those producers, with a consequent risk of higher prices and reduced service levels for UK customers.

Second, duties would reduce product choice for UK consumers. As set out above, Chinese manufacturers provide access to a wider range of glass container types, colours, designs, and decorative capabilities than are available from UK producers. This includes specialist fragrance and cosmetic bottles, coloured glass (including blue, green, and other non-standard colours), bespoke embossed designs, lighter-weight containers, and miniature bottles. UK manufacturers do not currently produce these goods, and duties would therefore restrict access to them without creating a domestic alternative.

Third, the imposition of duties would weaken the competitiveness of UK downstream producers in export markets, as discussed above, and create incentives for production relocation outside the UK.

Fourth, the demand for glass containers is already declining in certain segments, driven by factors unrelated to Chinese imports, including a reduction in alcohol consumption and a move towards alternative packaging materials. These trends indicate that the domestic glass container industry faces structural demand headwinds that are unrelated to imports from China, and that duties would not address.

Fifth, the injury alleged to have been suffered by the UK glass container industry is better explained by a combination of factors other than Chinese imports. As explained in more detail in the following section, these include high energy costs, post-COVID demand volatility, customer destocking as the market rebalanced, competition from other imports, packaging substitution, and regulatory cost burdens including the extended producer responsibility scheme and decarbonisation requirements. The pressure alleged by the UK glass industry that they seek to blame on imports from China is better explained by macroeconomic conditions, energy costs, demand decline, packaging substitution, regulation and other imports rather than imports of Chinese glass containers.

Sixth, it is relevant to note that Chinese glass has not been used by UK importers because it is artificially cheap. Rather, Chinese supply has been used principally because of its flexibility, bespoke capability, and lower MOQs. The base price for Chinese glass has remained broadly stable over the period, with the main cost variable being sea freight volatility. Where UK production has been competitive and available, there is an obvious willingness and preference to source from the UK producers. Indeed, UK manufacturers have been chosen over Chinese options for specific projects where the product was suitable for UK production, keeping in mind bespoke design options, MOQs, and lead times.

3.8 Conclusion on the Economic Interest Test

In summary, the consideration of each of the statutory Economic Interest Test factors points against the imposition of anti-dumping duties on Chinese-origin glass containers.

1. The injury alleged to UK industry and the benefit of removing it: Any benefit to UK producers is inherently limited because UK producers do not generally supply the product types, bespoke designs or lower MOQs that a substantial part of downstream demand requires. Moreover, there are serious doubts as to the alleged injury suffered by the UK domestic producers, if any, and the causal link to Chinese imports. Accordingly, duties would not simply translate into materially increased UK production, but they would raise costs for UK downstream users and ultimately UK consumers.
2. The economic significance of affected UK industries and consumers: The affected groups are extensive and economically important, spanning importers, food and beverage producers, pharmaceutical and healthcare users, cosmetics businesses, retailers, hospitality operators and, ultimately, consumers across the United Kingdom.
3. The likely impact on wider UK industries and consumers: Duties would decrease product availability, while at the same increasing input costs across multiple supply chains and feed through into higher prices for everyday goods, with particular pressure on lower-income households.
4. The likely impact on particular geographic areas or groups within the United Kingdom: The burden would fall disproportionately on SMEs, challenger brands and regional producers, including smaller distilleries in Scotland, Northern Ireland and the regions of England, for whom access to lower-volume and bespoke glass container supply is commercially essential.
5. The likely consequences for the competitive environment and the structure of UK markets for these goods: Duties would distort downstream markets by reducing product choice, weakening the competitiveness of UK-based manufacturers and exporters, encouraging substitution to other materials, increasing reliance on third-country sourcing and imported finished goods, and creating incentives to move filling and production activity outside the United Kingdom. Duties would also reduce competitive pressure on UK glass producers, with a consequent risk of higher prices for downstream customers.

Therefore, in the present inflationary environment, with wider cost-of-living pressures, existing cost burdens on sectors such as hospitality and healthcare, and the risk that duties would prove counterproductive even for UK glass producers, the imposition of anti-dumping duties on Chinese-origin glass containers would not be in the economic interest of the United Kingdom and should not be adopted.

4. INJURY & CAUSATION

4.1 Absence of Material Injury to the UK Domestic Industry

The present section will show that there are serious doubts as to the alleged injury suffered by the UK domestic industry, and that, in any event, any such alleged injury is certainly not caused by Chinese imports. This is relevant in and of itself as it is respectfully submitted that the injury and causation picture does not justify the imposition of anti-dumping measures on imports glass containers from China. It is moreover of particular relevance in the context of the first statutory Economic Interest Test factor.

While discussed in more detail in the next sub-section on the absence of a causal link, the injury indicators themselves also call into question any causal link between imports from China and any injury allegedly suffered by the UK domestic industry.

(a) Preliminary Observations on the Evidential Standard

Under the Taxation Act and the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 ("Regulations"), the TRA must be satisfied that there is sufficient evidence that dumped imports have caused or are causing material injury to the UK industry before initiating an investigation. The burden lies on the Applicant to demonstrate, through an objective examination of all relevant injury indicators, that the domestic industry is in a state of material injury. Not all injury factors need to indicate material injury, but all factors must be considered together. Where the Applicant's own data fails to tell a coherent story of injury (or, worse, where the data contradicts the injury narrative) the TRA cannot properly conclude that material injury has been established.

Of note, much of the data underlying the Application's injury analysis is confidential and has been excessively redacted from the non-confidential version. This presents a fundamental procedural difficulty: interested parties are unable to verify, interrogate, or rebut the specific figures on which the Applicant relies. As addressed in more detail below, information relating to the UK industry as a whole (as distinct from individual company data) cannot properly be treated as confidential, and that its redaction impedes the rights of defence of interested parties. The TRA should require the Applicant to provide meaningful non-confidential summaries that permit genuine scrutiny.

(b) Analysis of UK Industry-Wide Injury Indicators

The Applicant's own narrative reveals that the injury indicators for the UK industry as a whole do not present a picture consistent with material injury. When the industry data is examined carefully, critical disconnects emerge between the various indicators that the Applicant purports to rely upon.

With respect to **profitability**, the Applicant states that net operating profit after tax ("NOPAT") from like goods "fluctuated across periods one to three" for the UK industry before showing a "steep drop" in period four (2024). The reason for the increase of profits in 2023 is redacted. While a fluctuation in profits is perceived, in 2023 profits were even higher than in 2021. This is significant: the highest level of Chinese imports during this period occurred in 2023 (an 80% increase from 2022 to 2023), yet 2023 corresponded with an improvement in industry

profitability. This is precisely the opposite of what one would expect if Chinese imports were causing material injury to the UK industry through price undercutting.

With respect to **sales**, the Applicant states that there is a "consistent decline in sales volume from period 2 to period 4 where it is at its lowest" but that "value remains stable since its increase from period 1 to 2." The fact that sales value increased from period 1 (2021) to periods 2 (2022) and 3 (2023), and has remained broadly stable thereafter, suggests that UK producers have been able to maintain or increase their revenue per unit. This is inconsistent with the allegation that Chinese imports are depressing domestic prices. Indeed, in 2022 profits decreased by 20% while sales value increased by 32%, a combination that points decisively toward well documented cost-side pressures, which have nothing to do with imports from China.

With respect to **market share**, the Applicant states that the UK industry holds between 77% and 88% of the market by volume and between 71% and 84% by value. These are remarkably high market shares for any industry. The Applicant notes that market share "dropped significantly from period 1 to period 2" but "has remained at a similar level for the following two periods (2023 & 2024)." The stabilisation of market share at a very high level, even during the year of highest Chinese imports during this period (2023), is inconsistent with a finding of material injury caused by those imports. Moreover, market share by value only decreased by 3% in relative terms over the period considered, and market share by volume only decreased by 6% in relative terms over the period considered. This is hardly a significant drop in market share.

Furthermore, the data in the Application identifies a particularly revealing anomaly: the lowest market value share year (2023) corresponds to the biggest profit. This demonstrates that a marginal reduction in market share can coincide with improved profitability, a pattern that is completely inconsistent with the theory that the volume of imports are causing material harm to the domestic industry. If anything, this suggests the industry may have engaged in rational commercial behaviour by reducing overall volumes in 2023.

(c) The Applicants' Individual Data Diverge from the Industry Picture

The Application presents both UK industry-wide data and data specific to the individual Applicants, and these two datasets tell materially different stories. The Applicants' own indicators appear to be deteriorating while the broader industry is performing more robustly. This divergence raises the serious question whether the Applicants' alleged difficulties are company-specific rather than reflective of industry-wide injury caused by imports.

Most strikingly, the Applicants' profits declined in 2024, a period when imports from China actually decreased and the UK industry's market share improved. If Chinese imports were the cause of injury, one would expect the Applicants' financial position to improve when those imports decline, not deteriorate further. The inverse correlation between Chinese import volumes and the Applicants' profit trajectory fundamentally undermines the causal theory advanced in the application.

The relationship between the investment cycle of the Applicants and their profitability provides a far more plausible explanation for their financial difficulties. The data suggests that when the

Applicants make low investments, they are highly profitable, and when they make high investments, profits are low.

In this context, the Applicants' stated target profit margin of 18% to 28% is exceptionally high by the standards of any manufacturing industry and excessive. Generally accepted target profit levels in trade remedy investigations are rarely in double digit levels.²³ The Applicants acknowledge that this figure is "based on the need to invest heavily in replacement equipment such as electric furnaces." The Applicants are, in substance, seeking anti-dumping protection not because imports are causing material injury, but because they wish to generate supernormal profits to fund their capital expenditure programme. This is not a legitimate basis for the imposition of trade defence measures. Rather, following the TRAs own guidance, the target profit margin (i.e. the normal rate of profit) should be "the actual level of profit that UK industry could achieve going forwards in the absence of dumped or subsidised imports", and based on "profits actually achieved by the UK industry at the start of the injury period" or at least "profits actually achieved during an earlier period".²⁴ Evidently, target profit margins of 18% or 28% are excessive for the UK glass industry.

The Applicants acknowledge that existing furnaces "hold a lifecycle of around 15 years" and that plans exist to install "new electric furnaces which is a new technology to the industry and will demand investment through infrastructure in addition to the cost of equipment." These are long-term strategic investment decisions driven by UK environmental policy objectives, not by the impact of Chinese imports. The Applicants are effectively asking the TRA to shield them from normal market conditions so that they can achieve profit margins sufficient to self-fund a technology transition mandated by government regulation, rather than injury caused by Chinese imports.

(d) Wages, Employment, and Productivity

The Applicants' data on employment and productivity further undermine the injury narrative. The number of employees "rose yearly between 2021 and 2024." This points towards a healthy industry. An industry suffering genuine material injury from imports would not typically be increasing its headcount. The Applicants attempt to explain this is redacted, but it is acknowledged that heads increased "without impacting production output levels."

The natural consequence of increasing headcount without corresponding output growth is declining productivity per employee, precisely what the Applicants reports. However, this is an internally generated inefficiency, not injury caused by imports.

In addition, wages across the UK container glass industry have "risen slightly between each period." Rising wages are not an indicator of material injury, they suggest a sector that can afford to pay its workforce more. While the Applicant notes that the increase may not align

²³ While there are some specific exceptions, target profit margins (i.e. the normal rate of profit) are around 6%-9%, see, for instance, AD0062 - Tin mill products from China, Final Affirmative Determination, Section H4.1 Determination of the normal rate of profit; AD0012 - Aluminium Extrusions from China, Final Determination, Section H9. Injury Margins.

²⁴ See, for instance, Trade Remedies Authority (TRA) dumping, subsidisation and safeguarding investigations guidance, available [here](#).

with inflation, this again points to cost-side pressure from the general macroeconomic environment rather than import-driven injury.

(e) Production Capacity and Stock Levels

The Applicants state that production capacity utilisation "has decreased over periods 4 (2024) and 5 (2025) compared to previous periods". However, this conclusory assertion is not supported by the data. Rather, the data shows stable capacity utilisation, with a marginal decrease of 3% in relative terms during the period considered.

Stock levels "remain relatively stable by volume across all periods," while their value has increased. Stable stock volumes do not indicate that the industry is being flooded by unsold goods, rather the contrary. In addition, increased stock values may simply reflect the pass-through of higher production costs into inventory valuation, or a change in the product mix.

(f) Price Undercutting Methodology

The Application claims that quotations from five Chinese suppliers indicate prices undercutting UK prices by approximately 23%. However, the methodology underlying this comparison is deeply flawed.

First, the comparison is based on only five quotations, an entirely inadequate sample from which to draw conclusions about the pricing behaviour of an entire country's export industry. The Applicants acknowledge obtaining quotations "directly from an exporter and from looking at online prices." Online listed prices are not the same as actual transaction prices and may not reflect the negotiated terms, volumes, quality specifications, or delivery conditions applicable to real commercial transactions.

Second, such a small selection of sales is not representative of the full market given the large number of different segments and product types in this industry, as discussed in detail above in the preceding section.

Third, the Application acknowledges that "where no equivalent product existed, we used an average price" of the Applicants' own goods. This approach introduces a fundamental comparability problem: if the Chinese product has no direct UK equivalent, one cannot meaningfully conclude that its price "undercuts" the UK product. Different products command different prices for legitimate commercial reasons unrelated to dumping.

Fourth, no adjustment appears to have been made for differences in quality, packaging, delivery terms, volumes, or other factors that would ordinarily affect a fair price comparison. The Application itself acknowledges that UK manufacturers "will generally use more recycled glass in the process," which may affect production costs and product characteristics. Without a rigorous like-for-like comparison, the undercutting figure of 23% is meaningless.

Finally, the Application compares import prices, often made through distributors, rather than actual sales prices of the imported products on the market, which would logically be higher than the import prices.

(g) Conclusion on injury

The data provided in the Application does not paint a picture of an industry that is suffering material injury. High market shares that remain relatively stable, increases in sales value, fluctuating profit levels that appear to be cost and investment related rather than related to imports, and increasing workforce and stable stocks, all point towards a rather healthy industry. The price undercutting calculation contained in the Application also appears to be largely meaningless and not based on positive evidence.

While this industry may be facing certain issues, as touched upon above and explained in more detail below, these issues are related to costs and other factors, rather than to imports from China.

4.2 Absence of Causal Link Between Alleged Injury and Imports from China

(a) Absence of Temporal Coincidence Between Imports and Injury

A fundamental requirement for establishing a causal link between dumped imports and material injury is that the injury must coincide temporally with the increase in imports. The data in the Application reveals no such temporal coincidence. Indeed, it reveals the opposite pattern.

As already addressed above, the Application reports that Chinese import tonnages increased by 80% between 2022 and 2023. Yet 2023, the year of highest Chinese imports, corresponds with the period in which the UK industry's profitability improved. If Chinese imports were causing material injury through price depression or market share loss, one would expect profits to decline precisely when imports surge. The fact that the opposite occurred fatally undermines the causal theory.

Conversely, the Applicant's profits collapsed in 2024, a year in which imports from China did not increase further and, according to the outline's analysis, actually decreased. The profit decline thus occurred during a period of stabilising or declining Chinese import volumes, again, the reverse of what the Applicant's causal theory would predict.

The profit decreases of 2022 are equally difficult to reconcile with a theory of import-driven injury. In 2022, Chinese imports had not yet surged (the 80% increase occurred from 2022 to 2023), yet profits fell. The far more obvious explanation for profit declines in 2022 is the dramatic increase in energy costs following Russia's invasion of Ukraine in February 2022, a factor the Applicant itself identifies as a source of demand fluctuation and cost pressure.

In summary, the temporal pattern is as follows: profits fell in 2022 (before the Chinese import surge), recovered in 2023 (during the peak of Chinese imports), and fell again in 2024 (when Chinese imports stabilised or declined). This pattern is wholly inconsistent with a causal link between Chinese imports and any injury allegedly suffered by the UK industry.

(b) Market Share Analysis

The Application states that market share by volume "dropped significantly from period 1 to period 2" but "remained at a similar level for the following two periods." The Applicants' market sales volume was at indexed 100 in 2023 (the year of highest Chinese imports) having increased

from an index of 90 in 2022. This means the Applicants actually grew their sales volumes during the period of maximum Chinese import penetration.

This is a critical finding. It demonstrates that the Applicants were able to maintain and even grow their domestic sales volumes notwithstanding elevated Chinese imports. If the Applicants are selling more (by volume) during the peak import period, it is difficult to sustain the argument that those imports are displacing domestic production and causing material injury.

(c) Non-Attribution: Other Known Causes of Injury

Rather than imports from China, there are several other known factors that are far more likely to have caused injury, if any, to the UK domestic industry, rather than imports from China.

(i) *The Applicant's Self-Contradictory Position on Other Injury Factors*

The Applicants assert that they are "not aware of any other current source of injury affecting the UK container glass industry" other than Chinese and Turkish imports. This statement is flatly contradicted by the extensive discussion throughout the application of numerous other factors that are plainly capable of (and, we submit, are in fact responsible for) any deterioration in industry performance. The Application cannot, in one breath, describe in detail the pressures facing the industry from energy costs, environmental regulation, inter-material competition, and technology transition, and then, in another breath, assert that it is unaware of any other sources of injury.

As explained in more detail below, all these factors, which are raised in the Application itself, are a far more plausible cause of injury rather than imports from China.

(ii) *Aggressive Competition from Alternative Packaging Materials*

The Application states that "glass container manufacturers compete not only with each other, but also with alternative packaging materials; aluminium, cartons, plastic etc." and describes this inter-material competition as "aggressive." The Application further acknowledges that "during recent decades glass packaging has lost market share to other materials, particularly on low value products."

This is a significant admission. The long-term secular decline of glass packaging relative to alternative materials is a structural market trend entirely independent of Chinese imports. It represents a sustained erosion of demand for the goods produced by the domestic industry that has nothing whatsoever to do with dumping. If the UK industry's sales volumes are declining, the most obvious explanation (identified by the Applicant itself) is that downstream customers are substituting away from glass packaging toward lighter, cheaper, and more logistically efficient alternatives such as aluminium cans, plastic bottles, and carton packaging. As explained in the preceding section, the imposition of anti-dumping duties on glass containers from China is likely to further drive this trend.

The Application also states that "pricing is being eroded due to competition, *including* from imports, resulting in lower margins, which does not support the ability to make future investments." The phrase "including from imports" reveals that imports are only one element

of a broader competitive pressure alleged by the Applicants. One of the primary sources of this competitive pressure is inter-material competition.

The TRA must separate the effect of legitimate competitive pressure from alternative packaging materials from any residual effect attributable to Chinese imports.

(iii) *Extreme Price Sensitivity and Manufacturing Costs*

The Applicants describe their products as having "very low unit profit-making" and state that manufacturing costs are "extremely sensitive to all elements of increased cost of sales." This is a crucial admission. An industry that operates on razor-thin margins will inevitably suffer profit declines when input costs increase, regardless of the pricing behaviour of imports. The Application is describing a structural characteristic of the industry that makes it vulnerable to any cost increase, not a characteristic that is specific to or caused by Chinese imports.

The Application identifies the majority of production costs as being "covered under energy purchasing, raw materials purchasing and staff wages." All three of these cost categories have increased substantially in the UK during the injury period, driven by factors entirely unrelated to Chinese imports: energy prices surged following Russia's invasion of Ukraine and are continuing to do so due to the blocking of the strait of Hormuz, raw materials have been subject to global inflationary pressures, and wages have risen in line with a tight UK labour market. Any one of these factors, applied to an industry with "extremely sensitive" cost structures, would be sufficient to explain profit erosion without reference to imports.

(iv) *Energy Crisis*

The energy price crisis following Russia's invasion of Ukraine in February 2022, further exacerbated due to the blocking of the strait of Hormuz, is perhaps the single most important explanatory factor for any deterioration in UK glass industry profitability. The Application acknowledges that "UK energy prices were particularly volatile in the period after Russia's invasion of Ukraine" and that "prices remain higher than pre-2022 levels for glass manufacturers because many had secured long-term energy prices through hedging contracts."

Glass manufacturing is exceptionally energy-intensive. The Application states that total energy use is "around 2 MWh per tonne of packed glass product" and that natural gas accounts for "over 80% of site energy consumption." A doubling or tripling of natural gas prices (as occurred in 2022) would therefore have a devastating impact on production costs. The Application notes that glass manufacturing operates at a ratio of gas to electricity of "6:1 per MWh and 2:1 in costs."

Furthermore, the Application acknowledges that hedging contracts locked in at elevated post-2022 prices continue to burden manufacturers and that "energy companies are generally not offering these long-term contracts at present." This means that UK glass manufacturers may still be paying above-market energy costs due to hedging decisions made during the crisis. This is a self-inflicted cost that has nothing to do with Chinese imports.

The temporal coincidence between the energy crisis and the initial profit decline (2022) provides a far more compelling explanation for injury than Chinese imports, which did not surge until 2023.

The UK Government has recognised this as a key source of injury for the UK manufacturing industry, including the glass manufacturing industry, and as a result has already taken action by slashing industrial energy costs.²⁵

Importantly, Business Secretary Peter Kyle announced this on 31 October 2025, towards the very end of the POI of the investigation. First, this is evidence of high energy costs being an evident source of injury, unrelated to imports. Second, this means that *after* the POI, the situation of the UK glass containers industry is likely to have improved, as their costs will have decreased.

(v) *Post-COVID-19 Market Normalisation*

The Applicant acknowledges that the COVID-19 pandemic caused artificial distortions in the glass packaging market, including "stockpiling of glass packaging" during and shortly after the pandemic, with "customers running down stocks as confidence increased and inflationary pressure" increased. The Applicant also notes that there "may have been an artificial short-term demand increase at the beginning of the Russian invasion due to the closure of Ukrainian glass manufacturing facilities."

These admissions are significant. They demonstrate that the 2020-2022 period represented an artificially elevated baseline for UK glass production, inflated by pandemic stockpiling, by the unavailability of Ukrainian supply, and by an emergency-driven spike in demand for domestically sourced food and beverage packaging. The subsequent "decline" in sales volumes from 2022 onwards is therefore, at least in part, simply a normalisation from an artificially high level rather than evidence of injury caused by imports. The TRA must be careful not to treat a return to normal trading conditions as evidence of material injury.

The Application itself acknowledges that "the UK container glass industry was not as negatively affected as other industries during the start of the COVID 19 pandemic" because of "the increased demand for household food and beverages." The corollary is that as the pandemic receded and consumption patterns normalised, the industry would inevitably see a contraction from its pandemic-era peak.

(vi) *UK Environmental Regulation and Carbon Costs*

The Application identifies multiple layers of environmental regulation that impose significant costs on UK glass manufacturers, but which do not apply to Chinese exporters. These include: environmental permitting legislation requiring operation to "best available techniques" with attendant CAPEX for abatement plants and OPEX costs; costs related to Extended Producer Responsibility for packaging requirements; the UK Emissions Trading System, under which the sector must purchase approximately one-third of its carbon allowances "at a total cost to the sector of £29m per year this year and rising," equating to "an extra £12/tonne glass"; and indirect carbon costs passed through on electricity bills from the UKETS and Carbon Price Floor.

These are substantial cost burdens imposed by UK domestic policy choices. They reduce the competitiveness of UK producers relative to all foreign competitors (not just Chinese ones) and

²⁵ See, for instance, [here](#).

they represent an injury factor that is entirely independent of any dumping. To the extent that UK producers face margin pressure, these regulatory costs are a significant contributing factor that the Application itself quantifies but then fails to account for in its injury analysis.

(vii) *Heavy Investment in Technology Transition*

The Application devotes considerable attention to the industry's investment in decarbonisation, stating that "a great deal of time, finance and resource is poured into this activity." The Application acknowledges that plans to install electric furnaces represent "a new technology to the industry" that "will demand investment through infrastructure in addition to the cost of equipment."

This investment programme is entirely voluntary (or, more precisely, driven by UK government net-zero policy rather than by competitive pressure from imports). It explains why the Application has set a target profit margin of 18%–28%, a figure that, by the Applicants' own admission, is driven by capital expenditure needs rather than by normal commercial expectations. The data suggests a clear inverse relationship: when the UK industry invests heavily, profits decline; when investment is low, profits recover. This is an entirely normal commercial pattern for a capital-intensive industry undergoing technology transition. It is not evidence of injury caused by imports.

The Applicants' target profit margin of 18%–28% also contradicts their own characterisation of the industry as one with "very low unit profit-making" that is "extremely sensitive" to cost changes. If the industry is structurally a low-margin business, then setting a target profit margin of up to 28% is aspirational rather than realistic, and the failure to achieve that aspirational target cannot properly be characterised as "injury" within the meaning of the Regulations.

(viii) *Imports from Third Countries*

The Application itself acknowledges that imports of glass containers enter the UK from a wide range of countries. The Applicant lists over 50 countries of dispatch, including major European producers such as France, Germany, Italy, Spain, Poland, and Portugal, as well as significant non-European sources such as Turkey, India, and the United States. The Applicant has filed a separate application against Turkish imports, acknowledging that Turkey is also a significant source of competitive pressure.

The TRA must conduct a proper non-attribution analysis to determine what proportion of any injury is caused by imports from these third countries as distinct from Chinese imports. European producers in particular, operating from a single market with established logistics infrastructure, proximity to the UK, and well-developed commercial relationships, are likely to exert substantially greater competitive pressure on UK producers than Chinese exports, which the Application itself acknowledges were historically unviable due to "high volume, low value and potential for breakage."

The Application states that "typically, there are up to 10% imports and exports of glass containers" and that it "was previously not considered viable due to the high volume, low value and potential for breakage." This acknowledgement raises a fundamental question about the true market significance of Chinese imports. If long-distance transport of glass has historically

been uneconomic, and if the total import penetration is approximately 10–23% (given the UK industry's 77–88% volume share), then the Chinese share of that import volume must be assessed in the context of imports from all sources.

(ix) *The Application's Failure to Conduct a Proper Non-Attribution Analysis*

The Regulations require that the TRA establish a genuine causal link between dumped imports and material injury, and that injury caused by other known factors not be attributed to the dumped imports. The non-attribution analysis in the Application is perfunctory in the extreme, consisting essentially of a blanket denial that any factor other than Chinese (and Turkish) imports has caused injury.

The Application dismisses the COVID-19 pandemic as a source of injury by noting that the industry was "not as negatively affected as other industries." This misses the point entirely: the relevant question is not whether COVID-19 caused injury during the pandemic, but whether the post-pandemic normalisation of demand has caused the appearance of injury in the subsequent period. The Application dismisses technology as a factor by asserting that "the UK industry's technology is the same or at a higher level to that present in the Chinese industry." Again, this misses the point: the question is whether the cost of investing in new technology is depressing profitability, not whether the industry is technologically competitive. As also highlighted in the preceding sub-sections, the Application ignores several other known causes of injury in the context of the non-attribution analysis, even though it addresses them at length in other parts of the Application.

4.3 **The Nature and Conditions of Competition in the UK Market**

(a) **The UK Market Is Structurally Concentrated**

The UK glass container market is served by six large domestic manufacturers. The Application acknowledges that "all companies compete in the same markets and have the capability to manufacture the same products." The domestic industry holds a market share of 77–88% by volume, an extremely dominant position that has been substantially maintained throughout the injury period. A domestic industry with such market dominance is, by definition, not being materially displaced by imports from China.

The Application acknowledges that glass furnaces "must remain active 24 hours a day and therefore cannot be turned off when demand reduces." This means that UK glass manufacturers have strong incentives to maintain high capacity utilisation rates by competing aggressively on price in the domestic market, creating intra-industry competitive pressure that is entirely independent of imports. UK producers of glass containers are competing against each other for the same large customers on the UK market who place orders with large MOQs. These large customers, who are the bread and butter of the UK glass containers industry, are not focusing on imports. Rather, they are bidding the UK glass container producers off of each other.

When demand softens for any reason (including the post-pandemic normalisation discussed above), domestic producers with fixed-cost capacity will compete intensely with one another for available volume, driving down prices and margins. This is a structural characteristic of the industry, not evidence of import-driven injury.

(b) Distribution and Contract Structures

The Application describes a market in which "glass manufacturers generally offer flexible time-bound contracts to customers to supply glass" and in which "furnaces operate continuously, 24/7 and cannot be turned off" so that "glass manufacturers will seek to enter into longer-term contracts to ensure continuous production." The Application further notes that prices "may also be variable to reflect aspects of production costs such as energy and therefore agreed on an algorithm-based price rather than a fixed price."

This contract structure is important for the injury and causation analysis. If UK producers are locked into long-term contracts with variable pricing tied to energy costs, then short-term fluctuations in profitability will be driven primarily by movements in energy prices rather than by import competition. A surge in gas prices will automatically depress margins under such contracts, precisely the mechanism that explains the 2022 profit decline.

This also explains the limitations faced by the UK producers as a result of their chosen business model, which is why they have such high MOQs as compared to Chinese producers.

(c) Historically Low Import Penetration

The Applicant states that "typically, there are up to 10% imports and exports of glass containers" and that long-distance trade in glass "was previously not considered viable due to the high volume, low value and potential for breakage." While the Applicant suggests that this is "shifting as freight costs vs production cost disparity balances change," the fact remains that glass containers are a bulky, fragile, low-unit-value product for which long-distance transport imposes substantial cost penalties. These transport cost barriers act as a natural protection for the domestic industry and limit the potential for Chinese imports to cause material injury.

It also further underscores the fact that UK downstream users mostly rely on imports from China to fill gaps in the market, either because of high MOQs, a lack of certain product types being produced in the UK, or a lack of the capability to produce certain bespoke items.

4.4 Conclusion on Injury & Causation

For the reasons set out above, we respectfully submit that the Application has failed to demonstrate either (a) that the UK domestic industry has suffered material injury during the relevant period, or (b) that any injury it may have suffered was caused by imports of glass containers from China.

The data in the Application reveals that UK industry profitability improved during the year of highest Chinese imports (2023) and deteriorated during a period of stable or declining Chinese imports (2024), a temporal pattern that is directly contrary to its causal theory. The UK industry has maintained a dominant market share of 77–88% by volume throughout the injury period. Sales values have remained stable or increased notwithstanding volume fluctuations.

The factors that plausibly explain any deterioration in industry performance are numerous and well-documented within the Application itself: the energy price crisis following Russia's invasion of Ukraine; post-pandemic demand normalisation; aggressive inter-material competition from alternative packaging materials; substantial environmental compliance costs

unique to UK producers; and heavy capital expenditure on technology transition. None of these factors is attributable to Chinese imports.

The price undercutting analysis in the Application is based on an inadequate sample of five quotations, employs questionable comparability assumptions, and is contradicted by the Applicants' own admission that HMRC import value data is unreliable. The Applicants' target profit margin of 18–28% is aspirational rather than a reasonable benchmark for assessing injury, reflecting a desire to self-fund technology investment rather than a commercially sustainable expectation.

We therefore respectfully submit that the evidence presented is insufficient to establish the causal link between imports from China and any injury to the UK domestic industry required under the Taxation Act and the Regulations.

5. PROCEDURAL CONCERNS

5.1 Excessive confidentiality of the Application

In the present investigation, the Applicants have designated nearly all key data and information contained in the Application as confidential. In particular, no data relating to the Applicants and the level of support for the Application has been disclosed, and essential macro- and microeconomic indicators of the UK industry and the Applicants (including production, production capacity, capacity utilisation, domestic sales, sales prices, market share, current and target profitability, employment, and UK consumption) have been disclosed exclusively in indexed form.

This excessive level of confidentiality is both unnecessary and inconsistent with the fundamental requirements of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Anti-Dumping Agreement") and the Regulations. Moreover, it prevents interested parties from properly assessing the alleged injurious effects of subject imports on the state of the UK industry, and from making meaningful comments in this regard.

(a) Information about the Applicants is excessively redacted

All information identifying the Applicants (including their number and identities) has been fully redacted in the Application. This non-disclosure is excessive and is not justified under the confidential treatment requirements set out in Regulation 45. Under Regulation 45(2), information is to be treated as confidential by its nature only if its disclosure would "be of significant competitive advantage to a competitor of the person supplying the information or have a significant adverse effect on the person supplying the information or any person from whom the person supplying the information has acquired it."

The number of Applicants is not, by its nature, confidential, nor is it typically redacted. The TRA routinely makes the number and names of Applicants (both in past and ongoing anti-

dumping investigations) publicly available.²⁶ Accordingly, at the very least the number, if not the identities, of the Applicants does not constitute information that is confidential "by its nature" or submitted as confidential, as confirmed by the TRA's standard practice, and should not be granted confidential treatment.

The Application seeks to justify confidentiality of the Applicants' number and identity by classifying it as "personal information". However, a company name does not constitute "personal information" under the UK GDPR (defined as "information relation to an identified or identifiable natural person")²⁷ or the Data Protection Act 2018 (defined as "any information relating to an identified or identifiable living individual").²⁸ The TRA's Guidance expressly confirms that company name is not "personal information", stating that "confidential information can include anything which: ... is personal information which identifies individuals, including names of individuals within the company, contact details and signatures" and including a non-redacted company name in Example 3 of non-confidential version of submissions.²⁹

- (b) Aggregated representativeness and injury indicators do not qualify for confidential treatment

The Application treats the following aggregated representativeness and injury indicators as confidential:

- Aggregated UK market share of the Applicants;
- Aggregated macro- and micro-injury indicators and explanations relating to the entire UK industry; and
- Aggregated level of UK industry's support for the Application.

The UK market share of the Applicants, total UK industry support for the Application, and macro- and micro-injury indicators provided in the Application comprise *aggregated* data that do not identify or specifically target any individual UK producer. These indicators, therefore, do not constitute information, which "disclosure would be of significant competitive advantage to a competitor of the person supplying the information or have a significantly adverse effect on the person supplying the information or any person from whom the person supplying the information had acquired it", that is, information that is confidential "by nature" within the meaning of Article 6.5 of the Anti-Dumping Agreement and Regulation 45. Nor can this data be regarded as having been provided "on a confidential basis".³⁰

Notably, the macro-indicators, such as UK production, sales, and consumption, are not "commercially sensitive information not typically disclosed in the normal course of business"³¹

²⁶ See e.g. Application in AD0086 - Rutile Titanium Dioxide from China; Application in AD0075 - Boom lifts from China; Application in AD0071 - Hot-rolled steel plate from South Korea; Application in AD0062 - Tin mill products from China.

²⁷ Article 4(1) of the UK General Data Protection Regulation (UK GDPR).

²⁸ Regulation 3(2) of the Data Protection Act 2018.

²⁹ TRA, 'Guidance - The TRA's investigation process', available [here](#).

³⁰ See: Article 6.5 of the Anti-Dumping Agreement and Regulation 45(1)(b)(ii) of UK Regulations.

³¹ Appellate Body Report, *EC – Fasteners*, para. 536.

or "treated as confidential in anti-dumping investigations".³² This data is routinely included in the open versions of Applications in the TRA's investigations, including in ongoing anti-dumping proceedings.³³ Therefore, actual aggregated data for the UK industry should not be treated as confidential and ranged data values should be provided for macro-indicators such as UK sales, output, profit, market share and production capacity. In addition, the Application treats as confidential various explanations relating to the condition of the UK industry as a whole.³⁴ To the extent that such explanations concern the entire UK industry, they cannot be considered as "commercially sensitive information".

Similarly, assuming that the Applicants are several producers acting together to initiate this investigation, the micro-economic indicators in the Application pertain to multiple producers and, therefore, they reflect a collective Applicants-wide perspective rather than sensitive, company-specific data. Therefore, any concerns regarding the confidentiality of the aggregated data submitted by Applicants (whose identities are at present not disclosed) are entirely unwarranted. As such, in addition to indexed values, at the minimum actual data for the Applicants (including production, production capacity, capacity utilisation, domestic sales, sales prices, market share, current and target profitability, employment, and UK consumption) should also be provided as actual data.

Finally, the aggregate level of UK industry support for the Application cannot be considered information that is confidential "by its nature" or "supplied on a confidential basis," as it does not pertain to any specific UK producer and is not sensitive, company-specific data. Therefore, the level of UK industry support for the Application should be disclosed.

(c) Absence of "good cause" for confidentiality

According to Article 6.5 of the WTO Anti-Dumping Agreement and Regulation 45(1)(d), information provided to the authorities should be treated as confidential only if "good cause" is demonstrated.

This requirement applies to all types of information for which confidentiality is sought.³⁵ As explained in WTO jurisprudence, while Article 6.5 of the Anti-Dumping Agreement does not define what constitutes "good cause", it must constitute "a reason sufficient to justify the withholding of information from both the public and from the other parties interested in the

³² Appellate Body Report, *EC – Fasteners*, para. 536.

³³ See e.g.: Application in AD0086 - Rutile Titanium Dioxide from China, providing macro- and micro-indicators of the UK producers (See: Annex 1 and Annex 2 to the Application; section F.1. to the Application, providing both ranged and indexed data).

³⁴ See e.g.: Sales (Application, p. 52): "The increase in domestic sales from 2021 to 2022 and 2023 was because of (confidential information on business activities and financial performance)."; Wages (Application, p. 53): "Wages across the UK container glass industry have risen slightly between each period, however; this appears not to align with inflation. (Commercially sensitive comment on wages)."; Market share (Application, p. 53): "The UK container glass market share for volume of glass dropped significantly from period 1 to period 2, where it has remained at a similar level for the following two periods (2023 & 2024). (Commercially sensitive comment on UK market share)"; Production capacity (Application, p. 53): "Production capacity data is not available for the entire industry, (Confidential – commercially sensitive information on the status of the sector)."

³⁵ Panel Report, *Colombia – Frozen Fries*, para. 7.115.

investigation", so this justification "must demonstrate the risk of a potential consequence, the avoidance of which is important enough to warrant the non-disclosure of the information".³⁶

In the present case, the Application fails to offer any justification or evidence demonstrating "good cause" for the broad-based confidentiality applied to their identity and number, the representativeness of the Application, all injury data, including critical information such as domestic consumption, production, and sales data. As a result, it appears that confidential treatment has been granted to the information contained in the Application without the required demonstration of "good cause" by the Applicants.

(d) Impairment of the Parties' rights of defence

The excessive confidentiality applied in the Application materially impairs the ability of interested parties to exercise their rights of defence. Without access to information on the macro- and micro-indicators, interested parties are unable to meaningfully assess the alleged volume effects of subject imports on the UK industry and provide comments in this regard. Likewise, without access to the Applicants' average production costs, domestic sales prices, and target profitability, it is impossible to comment on the alleged price effects.

As a result, interested parties are effectively deprived of the opportunity to meaningfully comment on the Application's allegations concerning injury and causation.

5.2 The Application is based on incomplete data

The Application selected 1 July 2024–30 June 2025 as the POI. Nevertheless, it provides no macro- or micro-injury indicators for 2025, with the data cut-off in 2024, despite references to 2025 in the interpretation of the injury indicators.³⁷

This approach contravenes the TRA's instructions in the Application form, which require that the POI "should not end more than six months before the date this application is submitted".³⁸ In addition, the TRA's Guidance specifies that Applicants should include "as much of the following information as is reasonably available," including: "information about the existence of serious injury to the UK producers (this should be for the three calendar years preceding the application and include any more recent partial-year data that is available)".³⁹ With the Application submitted on 3 February 2026,⁴⁰ the Applicants should have provided data at least up to August 2025 and, in any event, it would have been reasonable to provide data for the full year 2025.

³⁶ Panel Report, *Dominican Republic – AD on Steel Bars (Costa Rica)*, para. 7.421, referring to Appellate Body Report, *EC – Fasteners (China)*, para. 537 (emphasis added). See also: Panel Reports, *China – HP-SSST (Japan)/China – HP-SSST (EU)*, para. 7.291; *Russia – Commercial Vehicles*, para. 7.241; *Korea – Pneumatic Valves*, para. 7.423; and *EU – Cost Adjustment Methodologies II (Russia)*, para. 7.636.

³⁷ See e.g.: Production capacity (Application in AD0087, p. 55) and – implicitly – Sales (Application in AD0087, p. 54).

³⁸ Application in AD0087, p. 17.

³⁹ TRA, 'Guidance - Applying for a trade remedies investigation', available [here](#).

⁴⁰ Available [here](#).

Consequently, data should be disclosed as soon as possible to include at least partial 2025 data or (given that the TRA has set the POI as 1 January 2025 to 31 December 2025) full 2025 macro- and micro-injury indicators.

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