



Zac Chami  
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Level 15, 1 Bligh St  
SYDNEY NSW 2000

Via email to: [zchami@claytonutz.com](mailto:zchami@claytonutz.com)

Dear Mr Chami,

**Application for an exemption from dumping duty in relation to  
high density ammonium nitrate exported from the Russian Federation**

I refer to your application lodged on 14 May 2018 on behalf of Nitro Sibir Australia (NSA), requesting an exemption from interim dumping duty and dumping duty applying to high density ammonium nitrate (HDAN) exported from the Russian Federation (Russia).

Following examination of the application, I have determined that the application does not establish that there are reasonable grounds to conclude that like or directly competitive goods are not offered for sale in Australia.

Subsection 8(7) of the *Customs Tariff (Anti-Dumping) Act 1975* specifies that the Minister may exempt goods from interim dumping duty and dumping duty if he or she is satisfied that like or directly competitive goods are not offered for sale in Australia.

In your application you claim that there is no local producer of HDAN in Australia, and you refer to the most recent Anti-Dumping Commission (Commission) report concerning ammonium nitrate exported to Australia from Russia: *Anti-Dumping Commission Report No. 312 (REP 312)*.<sup>1</sup>

However, REP 312 notes that in previous anti-dumping investigations and inquiries relating to ammonium nitrate, the Commission has found that ammonium nitrate manufactured by the Australian industry, irrespective of whether in solid or solution state, prilled or granular form, low or high density, are like goods to the goods exported from Russia.<sup>2</sup>

In REP 312, the then Minister remained satisfied that low density ammonium nitrate and ammonium nitrate solution manufactured by the Australian industry are like goods to the HDAN exported from Russia.<sup>3</sup>

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<sup>1</sup> REP 312 – Continuation inquiry concerning certain ammonium nitrate exported from the Russian Federation, either directly or via Estonia, 4 April 2016, p.12 (available at [www.adcommission.gov.au](http://www.adcommission.gov.au))

<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*, p.13

Noting the Commission's previous findings, I consider that the applicant has not provided any information to suggest that like goods are not offered for sale in Australia.

Since the application does not establish reasonable grounds that like or directly competitive goods are not offered for sale in Australia, the Commission will not proceed to consider your application.

If you have any queries or would like to discuss this matter further, please contact the Commission by email to [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au) or by telephone on 13 28 46.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Sexton', with a stylized, cursive script.

Paul Sexton  
General Manager Investigations  
Anti-Dumping Commission

25 May 2018