



ANTI-DUMPING NOTICE NO. 2018/104

Ammonium nitrate

exported to Australia from the Russian Federation

Initiation of an exemption inquiry

Customs Tariff (Anti-Dumping) Act 1975

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated an exemption inquiry in relation to certain goods the subject of anti-dumping measures, being ammonium nitrate exported to Australia from the Russian Federation (Russia).

The exemption category sought falls under subsection 8(7)(a) of the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act). Under this provision the Assistant Minister for Science, Jobs and Innovation (the Assistant Minister) may exempt goods from dumping duties where satisfied:

- 'that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.'

The Anti-Dumping Measures

On 24 May 2001, the then Minister for Justice and Customs accepted the recommendations of the Australian Customs Service (*Trade Measures Report No. 28* refers) and published a dumping duty notice in relation to ammonium nitrate exported to Australia from Russia. Notification of the then Minister's decision was given in Australian Customs Dumping Notice (ACDN) No. 2001/29.

On 4 May 2016, the then Assistant Minister for Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science accepted the findings and recommendations in Anti-Dumping Commission Report No. 312 and secured the continuation of the anti-dumping measures applying to ammonium nitrate exported to Australia from Russia (either directly or via Estonia) for another five years (from 24 May 2016). Notification of the then Assistant Minister's decision was given in Anti-Dumping Notice No. 2016/34.

The Exemption Goods

The goods the subject of the exemption inquiry are high density ammonium nitrate (HDAN).

The exemption goods are classified to the tariff subheading 3102.30.00 (statistical code 05) of Schedule 3 to the *Customs Tariff Act 1995*.

The exemption inquiry will examine whether the goods the subject of the application satisfy the conditions of subsection 8(7)(a) of the Dumping Duty Act.

The Current Inquiry

An application for exemption was made to the Assistant Minister by Nitro Sibir Australia, the importer of the goods, on 14 May 2018.

After making inquiries of the Australian industry producing HDAN and other interested parties, I will recommend to the Assistant Minister whether the goods should be exempted from the anti-dumping measures.

Public Record

There is no legislative requirement to maintain a public record for exemption inquiries. However, in the interests of transparency, a public record will be maintained. This notice, along with a non-confidential version of the application and any non-confidential submissions that are received, will be published on the public record, available at www.adcommission.gov.au.

Lodgment of Submissions

Interested parties are invited to lodge written submissions concerning this inquiry no later than the close of business on 1 August 2018, addressed to:

The Director, Investigations 2
Anti-Dumping Commission
GPO Box 2013
CANBERRA ACT 2601

or email: investigations2@adcommission.gov.au, or fax to (03) 8539 2499 or +61 3 8539 2499 (outside Australia).

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that

confidentiality or adversely affect those interests; or

- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "For Official Use Only".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Report to the Assistant Minister

There is no legislated timeframe for completing the report and recommendation to the Assistant Minister.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the case manager on telephone number 03 8539 2424 or email Investigations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

25 June 2018