



473

Ammonium nitrate

Exported from the People's Republic of China, Sweden and the Kingdom of Thailand

Exporter questionnaires received and extensions of time granted

Responses received

The Anti-Dumping Commission (the Commission) received responses to the exporter questionnaire by the due date of 1 August 2018 from the following entities:

- Thai Nitrate Co., Ltd (Thai Nitrate);
- Polene Plastic Co., Ltd (Polene Plastic); and
- Phoenix Blasting Services Pty Ltd (Phoenix).

The Commission has placed a non-confidential version of Phoenix's response to the questionnaire on the public record.

The Commission has not placed Thai Nitrate's and Polene Plastic's joint response to the exporter questionnaire on the public record, given that these two exporters have provided a deficient response to the questionnaire that could not be rectified quickly and easily in a further response.¹

Extensions of time

The Commission has received requests for extensions of time to submit an exporter questionnaire from certain exporters and due consideration has been given to the extension requests.²

When considering the extension request, section 5 of the *Customs (Extensions of Time and Non-Cooperation) Direction 2015* requires the Commissioner to:

- take into account the responsibility to conduct the case in a timely and efficient manner;
- reject a request for an extension if the request has not been made before the due date; and

¹ Subsection 6(b) of the *Customs (Extensions of Time and Non-Cooperation) Direction 2015*. Thai Nitrate and Polene Plastic have also not provided a response to the exporter questionnaire that is suitable for the public record.

² This is consistent with Article 6.1.1 of the Anti-Dumping Agreement.

PUBLIC RECORD

- consider the reasons provided for the extension, having regard to:
 - the reasons why it could not provide its response within the whole period and not only the period remaining between the request and the due date;
 - ordinary business practices or commercial principles;
 - the Commission’s understanding of the relevant industry; and
 - previous correspondence from the entity, previous dealings with the entity and information provided by other interested parties.

Consequently, the Commission has granted the following party an extension to submit a response to the exporter questionnaire:

Country of export	Entity	Extension requested	Extension granted	Revised due date
Sweden	Yara AB	28 days	14 days	15 August 2018

Once the Commission receives the response to the exporter questionnaire from the above exporter, the non-confidential version will be placed on the public record, unless it contains deficiencies that could be quickly and easily rectified in a further response, in which case a reasonable timeframe will be provided to rectify the deficiencies,³ then placed on the public record after the deficiencies have been rectified.

The Commission has also received a request for extension of time from Thai Nitrate and Polene Plastic; however, the Commission has not granted an extension of time to these exporters given that the exporters have not provided reasons why they could not provide a complete response within the whole legislated period.⁴ The Commission also notes that, prior to requesting an extension of time, these exporters had already provided a joint response to the exporter questionnaire in the form of a letter and Australian sales listing. Both exporters have previously advised the Commission in a letter dated 25 July 2018 that they would not provide any further information to the Commission.

Verification of responses to the exporter questionnaire

The Commission will seek to verify the information and data provided by exporters in the exporter questionnaire and will invite members of the Australian industry to a pre-verification meeting.

Any information given to the Commission in a pre-verification meeting will not be taken into account unless it is subsequently put in writing and made available for the public record.

In addition, any confidential information provided to the Commission in a pre-verification meeting may be disregarded unless a non-confidential summary containing sufficient detail to allow a reasonable understanding of the substance of the information for inclusion on the public record.

³ Section 6 of the *Customs (Extensions of Time and Non-Cooperation) Direction 2015*.

⁴ Section 5 of the *Customs (Extensions of Time and Non-Cooperation) Direction 2015*.

Uncooperative exporters

Where an exporter provides a response to the exporter questionnaire that contains deficiencies that could not be rectified quickly and easily in a further response, the exporter may be deemed uncooperative.

Exporters that do not provide a response to the exporter questionnaire by the due date must be deemed uncooperative.