



ANTI-DUMPING NOTICE NO. 2018/133

Customs Act 1901

***Customs (Preliminary Affirmative
Determinations) Direction 2015***

INVESTIGATION 473

**ALLEGED DUMPING OF AMMONIUM NITRATE
EXPORTED TO AUSTRALIA FROM
THE PEOPLE'S REPUBLIC OF CHINA, SWEDEN AND
THE KINGDOM OF THAILAND**

DAY 60 STATUS REPORT

Introduction

The purpose of this Status Report is to set out the reasons why I, Dale Seymour, Commissioner of the Anti-Dumping Commission (Commissioner), have not made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the *Customs Act 1901* (the Act) on 24 August 2018, being 60 days after the initiation of the investigation into the alleged dumping of ammonium nitrate (the goods) exported to Australia from the People's Republic of China, Sweden and the Kingdom of Thailand.

This report and the findings contained herein reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification. Accordingly, I, at any time from day 60 onwards during the investigation, may make a PAD if I am satisfied of the requirements set out in subsection 269TD(1) of the Act.

Background

On 25 June 2018, I initiated an investigation into the alleged dumping of ammonium nitrate following an application by CSBP Limited (CSBP), Orica Australia Pty Ltd (Orica) and Queensland Nitrates Pty Ltd (QNP) under section 269TB of the Act. Further details can be found in the public notice published on the 25 June 2018 (refer Anti-Dumping Notice No. 2018/103¹).

¹ This notice is available at www.adcommission.gov.au.

Under subsection 269TD(1) of the Act, I may make a PAD at any time not earlier than 60 days after I initiate an investigation for the publication of a dumping duty notice, if I am satisfied:

- that there appears to be sufficient grounds for the publication of such a notice; or
- that it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

Reasons

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with subsection 269TD(2) of the Act, had regard to:

- CSBP, Orica and QNP's application;
- submissions received by 1 August 2018 concerning publication of the dumping duty notice in response to the initiation of the investigation;
- responses to the importer and exporter questionnaires; and
- any other matters that I consider relevant.

The Anti-Dumping Commission (the Commission) has, to date, undertaken verification visits to Australian industry members CSBP and Orica. The Commission is currently analysing information gathered² from these applicants to determine whether dumping has caused material injury to the Australian industry producing like goods.

The Commission has also undertaken verification visits to Downer EDI Mining-Blasting Services Pty Ltd and Nitro Sibir Australia. The information collected from these importers is still under consideration.

In addition, the Commission has not completed its preliminary assessment of whether the goods exported to Australia were at dumped prices. The Commission is currently assessing the exporter questionnaire responses to preliminarily determine whether dumping has occurred.

Therefore, at the time of making this report, I am unable to establish that there appears to be sufficient grounds that:

- the goods exported to Australia have been dumped above negligible levels in accordance with section 269TDA; and
- the dumped goods have caused material injury to the Australian industry producing like goods.

² Including updated financial information pertaining to the March 2018 quarter for each applicant received in late July and August. The latest information from the applicants, including updated financial information, was provided to the Commission on 15 August 2018.

Other considerations

Relevant matters – subsection 269TD(2)(b)

In accordance with the Direction and for the purposes of subsection 269TD(2)(b) of the Act, I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted. I have decided it is not warranted to make a PAD at this stage because I am not satisfied that there appears to be sufficient grounds to establish that the goods are dumped or to establish a causal link between the dumped goods and any material injury for the reasons outlined above.

Reconsideration of making a PAD – section 269TDAA

After publishing this report, I must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) as required under section 269TDAA of the Act. The SEF is due to be published on 13 October 2018. Prior to the publication or in the SEF, I will advise whether I made a PAD subsequent to this report and the reasons for my decision.

Anti-Dumping Commission contact

Enquiries about this report may be directed to the case manager on telephone number +61 3 8539 2424 or at investigations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

24 August 2018